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# A Study of Family Desertion in Canada

for the Royal Commission on the Status of Women, 1968

The Canadian Welfare Council, 55 Parkdale Ave., Ottawa 3

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An agreement was reached in March 1968 with the Royal Commission on the Status of Women in Canada, to prepare a report on family desertion.

The Canadian Welfare Council had in 1961 published a report on Family Desertion, Its Causes and Effects after three years of study by a committee whose members represented various regions in Canada. The present report covers a more detailed analysis of the subject, resulting from research undertaken during the summer of 1968. Its starting point was the urgent concern of welfare officers and departments, who have found our present methods of dealing with deserted families to be increasingly cumbersome, self-contradictory, and ineffective from the point of view of the wives, husbands and children involved.

It was felt that the Royal Commission on the Status of Women gave Canada the opportunity to focus sharply on a particular group of women whose hardships are compounded within the social machinery set up to bring them aid. Some of the hardships lend themselves to solution in a way that most social problems do not. Changes in legislation can substantially improve their situation, new policies in welfare administration can end the harsher features of their present lot.

#### Defining the Study

The original agreement with the Royal Commission outlined a

very broad area, with the understanding that the subject might be redefined as the study proceeded. It was hoped, for example, that the Council could either now or at a later date undertake a general investigation of the causes of marital breakdown. The possibility of a lower rate of desertion as a result of changes in the Divorce Act was of interest to the Commission. It was also recognized that the other members of the family, the husband and the children, must be taken into account.

It soon became evident that a study of the deserted wife was the most we could hope to achieve in the few short months allotted to us. The causes are indicated in various ways throughout our study. But a complete survey of marital breakdown, which may be resolved by divorce, separation, or by criminal acts of various kinds as well as by desertion, was not possible within the scope of our time and resources. The possible relation to changes in divorce legislation would be completely speculative at this stage. It was felt that the other members of the family have distinct problems, and deserve a more concentrated study of their own. For example:

Deserted husbands appear to be less numerous than deserted wives; at least they do not come to public attention through applications for public assistance in anything like the same numbers. But any one-parent family has a much greater need for community support than a two-adult family, as indicated strongly

in the section on Poverty in the latest report of the Economic Council.

The deserting husband, who is inevitably cast in the role of villain in our study, may merit a more sympathetic investigation. The pressures on him of poverty and unemployment, exacerbating behavior by his wife, impossible social expectations in the role he must play, are mentioned merely as possible points in his defense.

It is hoped very strongly that attention can be given in a future related study to the effects of parental desertion on a child. Again we only mention, through the exercise of a little imagination, the major home truths which he is likely to absorb:

- 1) that he himself is a burden from which one parent fled;
- 2) that men are cruel and selfish and women are their victims;
- 3) that the law is a farce to be circumvented as cleverly as possible;
- 4) that those who pretend to help (like social workers) can't do much for you;
- 5) that society punishes the weak: the wicked can run away and not be held to account; the innocent are left behind to endure hardship, - and perhaps they deserve contempt? (This attitude might easily develop among adolescent sons left with harassed and complaining mothers.)

Even that quick look at the family situation brings us at once to the core question. The problems of family desertion as

we see them centre in the responsibility for support, the bread-and-butter question, which is expressed legally in each of the ten provinces in statutes concerning the maintenance of deserted wives and children. Emotional conflicts and suffering are very closely related to the question of maintenance.

Without doubt the principal victim is the deserted wife. Briefly, the most pressing problem she faces is that her husband is considered responsible for her support, but is not in fact forced to support her. The husbands defaulting under orders for maintenance vastly exceed the numbers who pay as ordered.

Some of the deserted wife's difficulties are these:

- 1) The wife is expected to demand support from the husband who deserted her;
- 2) If the husband fails to pay she is expected to renew her demands;
- 3) Law enforcement agencies make little or no effort (depending however on local interpretation) to enforce payments on her behalf, even though the court has issued a maintenance order;
- 4) Generally, she cannot receive public assistance on a regular basis without first collecting what she can from her husband;
- 5) She is expected to "co-operate" in locating her husband, sometimes on penalty of not receiving public assistance, even though she may be in some fear of his being found and returned to her;
- 6) The father who has deserted generally is granted visiting rights to his children, though the wife may be mainly or entirely supporting them, and though she may have strong feelings about the effect of these visits on herself and the children.

It became evident that three questions of considerable importance affect the situation:

- 1) There is conflict (especially between welfare departments and the courts) over the amount of maintenance orders. The welfare departments feel the sum should be "realistic" in terms of providing the family with a minimum standard of living; the court feels the sum must be "realistic" in terms of what the man can and will pay, taking into account his incentive to go on working, and in some cases his further responsibilities to a common-law wife and her children.
- 2) For years there have been strong doubts on the part of those involved in the process, about whether it is worthwhile even to attempt enforcement. Very large additional sums would have to be spent to collect the rather small amounts that an unwilling husband could be forced to pay. The orders are so often not enforced, that a deserting husband may well be aware of the fact that he can get away with not paying.

This puts in question, however, the principle of all law enforcement. If a man can be pursued across provincial and national boundaries at great expense to the state for relatively minor crimes, why should we begin "counting the cost" of enforcing a court order to support his wife and children?

- 3) One suspects that the laxity in regard to enforcement and the leniency, as it appears, of the courts in fixing "token" amounts, is a reflection of society's changing attitude toward marital and parental responsibility.

Is a wife truly a dependent these days?

Public welfare assumes an increasing role in looking after those in need: we now care for a man's aged parents without quibbling; will we not also care for his children and, if need be, his wife?

Section II outlines the research conducted for this study and the response obtained; Section III consists of first-person accounts

of the deserted wife's situation; Section IV examines the extent of desertion in Canada; Section V is a description of the deserted wife in terms of age, length of marriage, etc.; Sections VI and VII deal specifically with two major issues; and finally in Section VIII we present conclusions and recommendations. A list of references is attached. Considerable material related to research conducted for this project appears as appendices.

II

METHOD

Any interpretation of the results obtained from the research conducted for this study is hampered by the unusually low rate of response. While the replies are considered to be useful in defining the problem, they are inadequate as a measurement of specific items. This disappointing rate of returns is unusual in our experience, and can only be attributed to a lack of accurate records bearing on our subject.

Following is an outline of the method used and response received.

1. The Ottawa Department of Welfare

Information was obtained from the Ottawa Department of Welfare in two ways: a) an examination of the case records of 100 deserted families on the current caseload in an effort to establish their principal characteristics and b) an analysis of five case histories illustrative of the major problems facing deserted families.

a. From a designated total of 255 families on the current caseload, 111 were selected. Eleven of these were discarded as not meeting the definition of desertion. For example, in some cases the deserting husband had died, or a couple had been reunited; there was one instance of bigamy and several were more aptly classified as "separated" than "deserted" for various reasons.

The final sample of 100 was submitted to a coding analysis by CWC research staff and the results tabulated. See Appendix A. The information made available by the Department was considered generally adequate for our purpose and a detailed profile of the characteristics of these families was possible.

b. A descriptive report was prepared on each of five cases from the current caseload, chosen in an attempt to exemplify a number of distinct problems accompanying desertion. In fact, the problems were found to overlap widely, with recurring themes of alcoholism, assault, and general emotional instability apparent in all five. A condensation of these case histories appears in Section V.

## 2. Municipal Welfare Departments

A questionnaire comprising 40 items was mailed to 110 municipal welfare departments in seven provinces. (In Newfoundland, Prince Edward Island and New Brunswick there is provincial administration of local units: these provinces were therefore excluded from this phase of the survey.)

In general, the questionnaire covered the numbers of deserted families receiving assistance, the amount spent on assistance, additional services provided, the requirements before assistance is granted, the policy in regard to laying charges of non-support against husbands, and relations with the courts.

Twenty-six returns were received. Of the 26, few were able to give complete information. It is felt that the data must be treated with some reservation, since a number of discrepancies occur without obvious explanation. (For example, Penticton with a population of 15,330 reported 141 deserted families assisted in 1967 while Brockville, with a population of 19,266, reported only 17 for the same period.)

Although the returns were less than had been anticipated, it is felt that the opinions expressed by administrators on a number of points of policy and procedure were illuminating. The summary and tabulation are included in Appendix B, and the questionnaire used in the survey is attached as Appendix F.

In addition, informal interviews were held with the administrators of 15 medium-sized municipal welfare departments in Ontario in the course of a field trip by a senior staff member of the CWC in September. Impressions of the procedures followed and personal views on desertion problems were gathered from those directly responsible for local administration. While no attempt was made to summarize these informal statements they serve as a useful supplement to the opinions expressed in the mail survey.

### 3. Provincial Welfare Departments

A questionnaire was mailed to 10 provincial departments of welfare. The same questionnaire used for municipal departments was again employed, to elicit information on programs under

provincial administration.

Seven provinces replied. Again it was felt in an examination of the returns that the data could not be taken as completely representative. All were subject to various ways of categorizing desertion cases, and different interpretations of policy and procedure. It is regrettable that overall figures of cost and the number of desertion cases on the caseload were only available in four of the provinces. In fact the cost question was answered by only two respondents: Ontario and Nova Scotia.

The most recent annual reports of the provincial departments were also consulted. They are remarkable for the very wide differences in the type of information offered, as it applies to desertion. Comparisons between provinces were not possible from the information given. The summary appears as Appendix C.

#### 4. Courts in Nine Provinces

A questionnaire was mailed to 191 courts, including juvenile and family courts, judges and magistrates in ten provinces.

Eighteen replies were received from nine provinces. (No replies were received from Newfoundland.) Sixteen of the respondents were judges or magistrates of their respective courts, one was a senior court counsellor and information from one large court in Ontario was gathered by a member of the CWC research staff.

The questionnaire dealt with points of procedure, such as whether or not a case was heard when the husband did not appear, or when one but not both parties was represented by counsel. It asked what provision is made to advise the couple or attempt reconciliation. Opinions were sought on the important question of enforcement of maintenance orders. Additional questions related to the handling of divorce cases under new legislation.

It is felt that the returns, although disappointingly small were nonetheless revealing. A summary of these returns appears in Appendix D.

##### 5. Social Planning Councils

An attempt to gather information from the voluntary welfare field was made through a letter circularized to 38 Social Planning or Community Welfare Councils in cities and towns in nine provinces. It asked for information through the Councils from their member agencies, such as Children's Aid Societies and Family Counselling Services. The number of desertion cases was requested, opinions as to whether desertion was increasing and decreasing, and copies of any local reports or studies on desertion in those communities.

Replies were received from twelve respondents. Some were unable to provide any information, others sent reports of considerable interest. No copies of local studies of desertion were received though concern over the extent of the problem was widely expressed.

6. Report of a Summer Camp Group Interview

A senior staff member of the Canadian Welfare Council took the opportunity to attend a summer camp sponsored by a large urban Family Service Association, and attended chiefly by mothers who are the sole heads of their families. A series of three group meetings was arranged to gather information from the deserted wives present at the camp. A report of the discussions was prepared, along with comments from the interviewer. This appears in Appendix E.

7. 1961 Report of the Canadian Welfare Council

The 1961 report entitled "Family Desertion, Its Causes and Effects" was considered to contain pertinent material, including a proposed draft of a model Maintenance of Deserted Wives and Children Act which was recommended at that time. A copy is enclosed.

8. Other Submissions to the Status of Women Commission

A review of other submissions to your Commission was undertaken, and some reference is made to this review in our Recommendations.

9. Limitations in Available Data

It is strongly urged that, if a further study of desertion in Canada or a general study of marital breakdown is to be made possible, more accurate reporting of desertion is required from welfare departments, magistrate's and family courts, and voluntary agencies.

In addition, ways should be explored with the Dominion Bureau of Statistics for appropriate collection of relevant data.

It is felt that the inadequacy of the statistics provided in answer to our survey, reflects the frustrations in coping with this social problem under present self-defeating legal and administrative restrictions.

III

TWO LETTERS

Both of the following letters were received by the Ottawa Department of Welfare within the past year (1968).

Letter No. 1.

Dear Sirs,

I am a separated wife, living on welfare, because my husband is an alcoholic. I left him because of assault and battery.

I laid charges against him in Family Court, which did me more harm than anything else, because they sent him summons with my address on it. I had forbidden them to give my address out to nobody.

Everytime he found out where I was living, he caused such a riot such as; kicking the door, open, ripping the phone off the wall, beating me up to threatening the people where I was living. I get thrown out of every place I live. Even my friends won't keep me any more because they are terrified of him. I moved as much as three times in one week.

On those occasions, I would call the police and they told me that they couldn't do anything about it, because I had no legal separation which my husband won't sign, or a divorce or he had to kill me then, they would do something.

All I want for myself and other women that are in the same position as I am, is the law to be enforced to protect our children and ourselves, from these husbands. I am constantly living in fear of him. When he finds out where I am living, the children and myself once more, will lose all our belongings and our home.

Letter No. 2.

Dear Sir,

As a recipient of City Welfare since January 1967, I feel it is my duty to write you of the frustrations which I have personally encountered in my attempts to have a court order enforced. If this court order were properly enforced, I would not be on welfare.

On November 12, 1965, by order of the Juvenile and Family Court of Ottawa and Carleton, my husband was ordered to pay the sum of \$250 per month for the maintenance of our three children and myself. This amount, being less than one third of my husband's salary, is inadequate for four persons to be expected to live on. At the time of this hearing, my husband acknowledged that his monthly salary was \$900 per month. (Since that time my husband has had increases in his monthly wages, although I have no way of knowing what his present income is).

My husband made his payments to Family Court up to November 4, 1966 - at which time he paid the amount due for the month of October 1966. He has not paid one penny since then, either to Family Court, or to myself, and is now in arrears for 7 months in the amount of \$1,750. At the end of this month the arrears will be \$2,000.

Early in December 1966, I notified Family Court that I had not received the November payment and informed them that, to my knowledge, the last place my husband had been working was in T \_\_\_\_\_.

When I contacted Family Court later in the same month and told them that, because I had received no money from my husband since his October payment, and had no other source of income, hence no

money. I was told to apply to City Welfare, which I did in December 1966.

In January of this year I was informed by Family Court that my husband was sent a summons to appear at Family Court on January 27, 1967. As my husband has a habit of not telling the truth, I asked for, and received, legal aid so that I could attend this hearing on January 27th. My legal counsel and myself appeared at Family Court but not my husband. It was at this time I learned that the summons had been sent by regular mail to the residence of my husband's parents who reside in Ottawa. The legal counsel that I had was not a full-fledged lawyer, but he was connected with a law firm - and I suspect that this man's time was very valuable.

After this legal counsel and myself had wasted time waiting in vain for my husband to show up, I was told by a clerk at the Court that this was a serious offence on my husband's part, and that he could be charged under the Criminal Code for "failing to provide the necessities of life", etc. I was asked to sign a warrant for my husband's arrest. I did this and gave a description of my husband as well as two snapshots. I also told this clerk that my husband was still affiliated with a union in Ottawa - and the same day gave the Family Court full details of this. After I had signed the warrant, I was completely bewildered when the same court clerk told me that the purpose of the warrant was not to put my husband in jail - but just to summons him to appear at Family Court and ask him why he was behind in his payments. I was told that a man in jail was of no help to his wife and family. (Personally I cannot understand this statement. If this reasoning is correct,

then it would follow that no man should be sent to jail if he is a husband. My husband did not go to jail and he has been of no help to our children and myself out of jail either).

On February 17th, 1967, I phoned Family Court and asked a court clerk if there was anything new on this case. I was told that I was not the only wife with a missing husband or a husband that was delinquent in his payments - "that there were thousands of them"- When I incredulously replied "thousands" - he told me that there were drawers and drawers full of files on missing husbands and those that were behind in their payments to Family Court.

During this same conversation, I asked if my husband still had visiting rights to see his children. I was told, "Of course your husband has visiting rights - he has done nothing wrong."

I received a letter from Family Court dated this same day, February 17th, 1967, which stated that my husband had visiting rights to see his children - but as there was a warrant in Ottawa for his arrest, that if he came to my place of residence, I should call the Police Department. (I have not found it necessary to do this, as my husband has made no attempt to contact me in any way since December 24th, 1966 - and at that time there was no warrant against him. However, I do know that if my husband does come at any time in the future to see his children, he would not stand by and allow me to call the police in his presence.)

The same letter reads in part,-

"following your telephone conversation of this date I wish to advise that we have received word from the Police Department

in T \_\_\_\_\_ advising that your husband has left T \_\_\_\_\_ and they were unable to effect a service upon him. They were able to confirm that he is employed by the \_\_\_\_\_ Company, Limited, and that he has worked in their area until the month of December last. This Company moved its crew to a small community known as B \_\_\_\_\_, Alberta.

"In view of this, we have decided to enforce the Order made against your husband as provided in the Reciprocal Enforcement of Maintenance Orders Act and are sending today a copy of the Court Order, as well as other pertinent documents, to the Attorney General's office in Toronto for transfer to the Attorney General's Department in Calgary, so that your husband can be summoned before their Court."

A short time after this, I was told that a Reciprocal Enforcement could take from two to three months. Early in May 1967, I was notified by Family Court that my husband was no longer in B \_\_\_\_\_, Alberta, and that the onus was entirely on me to provide the Family Court with my husband's address and/or place of employment. I was told that the Family Court could do nothing further until I had given them this information. I have tried to find out my husband's whereabouts, but without success. I contacted my husband's union office in Ottawa and was told only that my husband had applied for and received a new travel card in person in Ottawa, last April 1967. My husband's parents and relatives are attempting to protect my husband from his responsibilities and will not give his address.

I was told by Family Court that no one can be made to divulge the whereabouts of my husband (even though he has made a mockery of the law). Would you please advise me if it is within the law to subpoena a person (e.g. a relative or union representative) (to furnish this information)?

Last April I heard that my husband was definitely in Ottawa - although I did not see him. I immediately telephoned the Court and was told that, as there was a warrant for my husband, the responsibility was with the police department. The clerk advised me to call there and ask for Morality. I promptly did so and was told by the police officer that even though there was a warrant for my husband, the responsibility was with Family Court - and that the police were kept busy enough looking for criminals without looking for missing husbands. When I persisted, I was asked if I knew exactly where my husband was at that very minute. I told him that, although I did not know where my husband was at that particular time, I could give him the address of my husband's parents in Ottawa, at whose place he has stayed on previous visits to Ottawa. Finally, I was told by this officer that a man might be sent to this place, but if the police were told that my husband was not there, there was nothing that they could do.

I then contacted someone, who in turn phoned Judge G \_\_\_\_\_, informing him of this matter. It turned out that something was mixed up with regards to the warrant, and after this was cleared, the police eventually did go to the home of my husband's parents, only to be told that my husband was not there. That was all there was to it, except that a short time later, Judge G \_\_\_\_\_ did issue a bench warrant for my husband.

I contacted the same legal counsel who appeared at Family Court on the morning of January 27th. He told me that he would have liked to have helped to have the maintenance order enforced, but that he was sorry there was nothing further that he could do.

As I do not think it right that I should be on welfare when my husband is evidently alive and presumably earning a good salary, I then applied, under the new legal aid system, for a lawyer to work in Family Court to have this order enforced. After I had met with the provisions set up under this new system, I was granted a certificate to contact a lawyer of my choice.

An interview was given me by a lawyer and I gave him a brief summary of my case. He told me as long as I couldn't provide him with my husband's address, his hands were tied.

He advised me if I could afford to pay investigators, there was a good chance my husband could be found. I told him I could not afford to pay the expense of an investigator, that I was in fact on city welfare, and my total welfare payments were presently \$168.15 per month for myself and three children. This lawyer then told me, very nicely and politely, that he could not make a career by attempting to trace missing husbands, that the best thing I could do was to forget about ever receiving any money from my husband.

I had been under the impression that the very reason for the existence of the new legal aid system was to enable all persons who needed legal assistance to have the benefits of a lawyer; regardless of their ability to pay the full fee. In other words, I believed the poor were to receive the same benefits as the not so poor.

Mr. G \_\_\_\_\_ (Ottawa Director of Welfare), you may wonder why I do not seek employment myself, rather than be on Welfare. I have three sons to care for, aged 2, 4 and 7 years. As I have not worked outside the home for over eight years, with the exception of two months outside employment in 1960, I would be able to earn a

very small salary. Then, by the time I paid for a responsible person to look after my children, pay bus fare to and from work, pay income tax, unemployment insurance, Ontario Hospital Insurance, medical insurance, dentists' fees etc., I would not have nearly enough money to pay for housing and food for my children and myself.

Where can I go from here..? You can see from the foregoing that, although I have not been successful in having the court order enforced, it is not from my lack of trying. All I have succeeded in doing is to knock my head against a brick wall.

As my Welfare Officer, Mr. B\_\_\_\_\_, will attest to, I have co-operated with the Welfare Department 100 per cent.

There appears to be a breakdown in the system somewhere along the line. I am sure that I am not the first or only woman who has gone through a similar situation; and even worse, I am probably not the last. Can anything be done to prevent this from happening in the future?

Please do not misunderstand my feelings; I do not seek revenge on my husband. On the other hand, I do not believe that a husband is any better of a man if he is allowed to get away with defying court orders. I feel that if a husband fails to provide his legitimate wife and children with the bare necessities of life, he is in effect robbing them. Let a man steal from any source other than his family.....let a man fail to pay for a parking ticket.....let a man fail to submit his income tax return etc. etc. - and the law will not stand by, helplessly impotent. Furthermore, I am sure that the onus would not rest with the wife to supply his address.

I believe that cases similar to mine should be dealt with with more serious consideration, if for no other reason than as a deterrent to others. Men who get away with defying court orders brag about it to others and give them a few tips on how to fool their wives...and the law.

I take my responsibilities of looking after my children very seriously and I am a conscientious mother. It bothers me greatly that I am forced, through circumstances, to live off the taxpayers' money. It is one thing for the taxpayer to pay for hospitals and the aged etc. It is quite another to burden them further by having their money spent on paying for wives and children of husbands who have the capacity to earn good money. It must cost the city and the province a vast amount of money to support the families of such men, so that these husbands can have a good time at the expense of the taxpayer.

Just recently I heard a rumour (although this has not been proven) that my husband is in the United States. My hopes of receiving any money from him are very slight, if this is the case. However, I feel compelled to write you, not only on my behalf, but on the behalf of other mothers who may run into the same situation in the future.

It appears to me that there is a new breed of welfare recipients, people who have never been on welfare, and who wouldn't be on welfare, if the head of the family paid his obligations.

I realize it is not the fault of society if some husbands do not accept their responsibilities, but I do believe that it is up

to society to see that there are greater deterrents to this happening in the future.

In view of all the money that it has cost the taxpayer in my case alone, welfare payments, cost of Family Court, lawyers, and police, would it not pay to have an Investigation Branch set up that could work between Family Court and the Welfare Department?

I realize that as a mere woman on city welfare, I can do very little to help this situation. As the Director of Welfare in the City, you are in a position to do much.

Yours truly,

1. What is Desertion?

In 1967, The Special Joint Committee of the Senate and House of Commons on Divorce defined desertion as "a separation of the spouses which is against the will of one spouse and which is accompanied by an intention on the part of the other spouse without just cause permanently to end their married life together."

Under provincial statutes, titled in some provinces "The Deserted Wives' and Children's Maintenance Act", a married woman is deemed to be deserted when she is living apart from her husband because of his acts of cruelty or his refusal or neglect without sufficient cause to supply her with food and other necessaries when able to do so, or if the husband is guilty of adultery which is not condoned by the wife, notwithstanding the existence of a Separation Agreement providing there has been default thereunder. If the marriage is common law (however this term may be interpreted in various jurisdictions) the provisions of the legislation remain applicable.

In law, desertion usually implies a wilful act on the part of a person to leave his spouse and children without provision of support. In the Criminal Code, the weight given to male offences in this category conveys the implication that a husband is responsible for the support of his wife and children under the age of 16, and this is confirmed in provincial legislation.

There is however a concept of "constructive desertion" recognized in Newfoundland legislation. Courts in other jurisdictions also appear to recognize instances where the situation between married partners is so destructive that desertion by one party avoids a serious crime to the other person or to the children.

Desertion has been called the "poor man's divorce". The following quotation, from a leading American sociologist, Jessie Bernard, summarizes the many generalizations used to describe the phenomenon of desertion\*:

"It occurs in the lower socio-economic classes; and it is overwhelmingly a role pattern of behaviour. It tends to be chronic and repetitive and is usually identical with non-support. Children are more likely to be involved in desertion than in divorce; in fact, because of the class and family composition of the deserting population, it has been stated that desertion is a far greater cause of family suffering than divorce. The desertion rate may be even higher than the divorce rate."

In our view, however, to identify desertion with the lower socio-economic classes is not entirely accurate. Such behaviour occurs in higher income groups as well. Statistics are not available except when the deserted spouse seeks help from welfare agencies, and deserted wives whose cases are available for study belong to this group.

\* Jessie Bernard, "Separation" in The Encyclopedia of Sexual Behaviour, Albert Ellis and Albert Abarbandel, Vol. II, N.Y.: Hawthorne Books, 1964.

There is an ambiguity in definitions, and the lack of a clear distinction between "desertion" and "separation" has led to a jumbling of the records in many government departments and social agencies. A separation agreement is presumably reached by mutual negotiation between the parties; usually it is not cloaked in secrecy by one party and the whereabouts of the parties is known. Such an agreement is sometimes but not always taken into consideration in desertion proceedings. Some provincial jurisdictions recognize only those separation agreements drawn up in court, and not in a lawyer's office; the Province of Ontario limits their admittance on several other grounds, and in no province is an informal agreement enforceable in the courts.

The Maintenance Acts imply that desertion ends when the couple is reunited in marriage; when they are divorced or (possibly) sign a separation agreement, or when the wife commits adultery.

## 2. The Extent of Desertion in Canada

It should be made clear that there is no official record of all desertion cases in Canada. One approach to such a figure appears in the 1961 Canada Census category of "one-parent households with wives only at home" (as distinct from widows, divorced women, unmarried women or men). This group however includes an undefined number of "separated" women. And it does not include any deserted women who are not heads of families. The figure given (1961) is 81,120, which is two per cent of all Canadian households.

The only larger group among the single-parent families was described as headed by widows (171,503). However, the widows were less apt to be young - they were predominantly 45 years of age and over, - and they had fewer children who were also usually older. The "wives alone" were concentrated in the 20 and 30 age brackets, and they had over half of the young children under six years of age living with them (of the total number of children in one-parent families). It is of some importance also that the Big Brother movement records that, according to the 1961 Census, there are 95,409 "fatherless boys" (living with the mother only) in the critical age bracket of 8 to 17 years.

We begin counting deserted women, as a rule, when they apply for public assistance. We do not know how many get along on their own resources, or with private help, and without making any public declaration of their position.

There is what appears to be a very small category of deserted wives who apply to the courts on their own initiative, without having found it necessary to resort to welfare assistance.

Any definitive study of marital breakdown in Canada would require that statistics be set up to cover all cases where a woman has been deserted by her husband, whether or not she charges him with desertion in court, and whether or not she has separate means of maintenance. However, as we have indicated, the acute problems of those who do seek public and legal help are sufficient to justify a concentration of concern in this area.

A comparison of many statements by municipal and provincial departments of welfare puts the number of desertion cases (almost all female) at ten per cent of all welfare cases. However some figures run considerably higher.

According to replies received from seven provincial departments of welfare, British Columbia had 16,086 desertion cases in 102,547 welfare cases in 1967 (over 15 per cent); Ontario had 4,323 desertion cases in 54,288 welfare cases in 1967 (over 7 per cent); Nova Scotia had 520 desertion cases in 5,936 welfare cases the same year (nearly 10 per cent). Other provinces were unable to supply the information.

A 1968 field report of interviews with welfare administrators in various Ontario municipal offices produced estimates running from 10 per cent to 60 per cent.

Replies received from Welfare or Social Planning Councils and their member agencies included a figure of 18.1 per cent in Ottawa in 1967 and 10.4 per cent in St. John, N.B., but other replies were too inexact to be reliable, while many other local welfare councils were unable to supply the required information.

### 3. Increases in Desertion

An attempt to discover to what extent desertion cases have increased over the past year or the last few years was similarly hampered by incomplete evidence, but there were many expressions of alarm over what was felt to be a considerable increase. Provincial reports showed that in Nova Scotia the deserted wives receiving social

assistance rose from 285 in 1962-63, to 495 in 1966-67. In Ontario there was a sharp increase from 2,215 cases in 1966 to 4,323 cases in 1967; while Prince Edward Island showed a decrease from 81 cases in 1966 to 74 cases in 1967. (Other provinces were unable to supply information.)

Of the 26 municipal welfare departments replying there was a decrease in the number of cases between 1966 and 1967 in six municipalities, an increase in 10 and no change in one.

The field trip survey of some Ontario municipal welfare offices brought a variety of comments on the subject of increased desertion caseloads. In Guelph, Brantford, St. Catharines and Welland there were positive statements about increases in the number of desertions.

Among the replies received from local welfare councils and their agencies was one from the Baron de Hirsch Institute in Montreal claiming that desertion cases are decreasing. Oakville Social Planning Council reported an increase of 20 per cent in one year, although a "normal" increase would have been five per cent. St. John saw no distinct trend in either direction. Sault Ste. Marie saw the increase as "staggering", especially with young wives under the age of 21, reporting, "Every month shows an increase". (The Sault Ste. Marie figures combine "female heads of families" with "desertions" in some cases; however, the Sault Ste. Marie Parents Without Partners association reported that in 1966 they had 19 sole-parent mothers as members, of whom 12 had been deserted; in 1967 of 21 sole-parent mothers, 14 had been deserted.) The Kingston Family Counselling Service expressed the opinion that desertion is increasing; so did

the Kingston Children's Aid Society which estimated that 25 per cent of their cases came from families in which the mother was the sole parent, and 30 per cent from families which had actually been deserted. Victoria expressed a belief that desertion is increasing. Their "one-parent families" had increased 18.6 per cent in three years, and they estimated that in 90 per cent of these families the father had deserted.

The difficulty in distinguishing between categories is underlined in this comment from Lakeshore Community Services in Pointe Claire, Quebec: "The general impression of the staff is that while the actual number of desertions is not increasing the number of one-parent families, both mother and father, is on the increase. Separation and divorce seem to account for this change. Some of the separations are legal, others de facto. In many cases the parent who has left the home (usually the father) contributes to the support of the remaining parent and children, but the amount of money which he gives, or is required to give, is inadequate for the family's needs, necessitating supplementation of some type."

The evidence suggests that in many communities a sharp increase in desertion has in fact taken place, while in others a general increase in welfare assistance (often attributed to local unemployment) is accompanied by a proportionate rise in the number of desertions, which because of their complex nature cause a disproportionate amount of concern among welfare administrators.

#### 4. The Cost of Desertion

Deserted wives belong in a population group which is conspicuously below average in income - female heads of one-parent families. Based on the 1961 census, a DBS bulletin makes this analysis: "The average earnings of the heads of the husband-and-wife families was \$4,204 a year. This average was more than twice as high as that of the families in which heads were married women, widows and single women. Among the one-parent families, the average earnings of the heads ranged from the lowest of \$2,047 for married women whose husbands were absent to the highest of \$4,092 for divorced men. For families where one parent was missing, the average earnings were considerably lower among women than men in the same marital status category."

DBS defined low family income as less than \$2,500 for two, \$3,000 for three, \$3,500 for four and \$4,000 for five (based on 1961 cost of living).

A very large number of deserted wives are recipients of public assistance. They include short-term recipients of direct welfare on municipal rolls, and an increasing number of long-term recipients of mothers' allowances and other family benefits under provincial schemes which are financed in part by the federal government through the Canada Assistance Act.

The allowances paid under provincial schemes vary considerably. A comparison of two provinces, Ontario and Nova Scotia, in April,

1967\* showed that in Ontario a mother with one child received \$173-209 a month, with added sums for additional children but with a maximum of \$300 for a family of four. In Nova Scotia the allowance was \$126-140 a month for a mother and one child, increasing to a family maximum of \$150.

Only two provinces, Ontario and Nova Scotia, answered our questions regarding welfare expenditure under provincial schemes for deserted families. The Ontario Department of Welfare stated the cost of assistance to such families was \$339,000 in 1966; \$553,000 in 1967. The Nova Scotia Department of Welfare said the cost was \$320,000 in 1966; \$488,000 in 1967.

Among the 26 municipal departments of welfare who responded to the questionnaire, Penticton claimed to have spent \$141,000 on deserted families in 1967; Edmonton \$215,000; Moose Jaw \$22,000; Prince Albert \$220,000; Brandon \$49,000; Brockville \$27,000; North Bay \$4,000; Oshawa \$100,000; Port Arthur \$24,000; St. Thomas \$17,000; Sudbury \$35,000; Whitby \$14,000; and Glace Bay \$5,000.

In addition to direct financial aid, rather costly services are provided in varying degree by departments of welfare and by voluntary agencies. These include counselling, day nursery care, legal aid, teaching homemakers, and similar services, and are in addition to the standard costs of court procedure and law enforcement.

\* Health and Welfare Services in Canada 1968. Department of National Health and Welfare.

In Saskatchewan for example it is reported that legal fees of \$6,653.70 were paid in 216 cases in 1966-67 under the Deserted Wives and Children's Maintenance Act. Such a figure is perhaps less startling in itself than as an indication of the very large cost of providing such service in all cases instead of the admittedly inadequate coverage now in effect.

Another illustrative sidelight is provided by the Department of Public Welfare of the City of Ottawa which in 1964 over a period of ten months estimated that it paid out \$103,000 on desertion cases, where the deserting fathers had been ordered to pay \$43,000 but had actually paid only \$14,000. It would be very helpful if more comparative figures of this kind were kept.

PROFILE OF THE DESERTED WIFE

1. The Ottawa Sample

Our most complete picture of the deserted wife is obtained from the sample of 100 case records of deserted wives receiving public assistance in the City of Ottawa in the summer of 1968. The sample was selected to represent accurately the total caseload of 255, and the following criteria were used:

- (a) The husband and father has left his wife and at least one dependent child without adequate support;
- (b) The wife lives apart from her husband because of his failure to provide the necessities of life or because of his adultery or acts of physical or mental cruelty;
- (c) No distinction is made between legal marriage and common-law unions;
- (d) A dependent child is under 18 years of age, a natural or adopted child (unmarried) of a deserted wife.

Within the stated terms of reference there were 230 cases of family desertion in the City of Ottawa (1966 population of 290,741). Or, conversely, the sample is 43.5 per cent of active family desertion cases. Data were taken from the case records by the CWC staff. The sample includes one case of desertion in which the wife had deserted, after the husband returned from a previous desertion: the children of this couple are now in the care of the father. There are ten instances of collusion or suspected collusion and 14 cases of common-law or suspected common-law unions.

We cannot claim that this sample holds true for deserted wives across Canada, but to the extent that we have been able to confirm our impressions from other sources the Ottawa group seems typical.

One characteristic that may distinguish the group in the capital city is the number of deserting husbands whose employment was Type 2\*, a category that includes general office workers (as well as such jobs as sales clerk, truck driver, and service station attendant). This may be a larger proportion than would appear in an industrial rather than a government town.

a. Age

Most of the deserted wives - 62 out of 100 - were under 25 years of age. Thirty-five of them were still in their teens at the time of desertion, their ages ranging from 15 to 19 years of age. There were 27 in the 20 to 24 age group; 28 in the 25 to 34 age group, and 10 over 35 years of age.

Our preconception of a deserted wife as a woman "who has given the best years of her life" only to lose a husband who has grown tired of her, must be changed. Most desertions are taking place among young couples who were extremely young at the time of marriage. Others are somewhat older when the stresses of a difficult marriage reach the climax of desertion.

The deserting husbands were only slightly older than the wives they left. There were 17 husbands between the ages of 15 and 19; 37 in the 20 to 24 age group; 28 who were 25 to 34; 10 who were over 35, and 8 whose age was not known.

The outstanding characteristic of the Ottawa deserted wives was their age at marriage: 57 of 100 had been between the ages of 15 and 19. Thirty-two of the wives had married in their early twenties; 11 had been between the ages of 25 and 39. The deserting husbands included 25 who had also been in their teens when married; 47 who were between 19 and 24, 23 between the ages of 25 and 39, and five whose ages were not known.

\*The classification was based roughly on the work of Blishen (Blishen, B.R., Jones, F.E., Naegele, K.D., Porter, J., Canadian Society Sociological Perspectives, Toronto: Macmillan, 1961.)

The fact that over half the deserted wives had married while still in their teens is evidence of the serious social problems arising from early marriage.

Society is faced with a problem, not of supporting an aging group of women but of rehabilitating a group of young ones who have made a serious wrong beginning in their adult lives. The overriding question is the long future ahead for the young children in the care of these mothers.

b. Length of Marriage before First Desertion.

Not many wives were deserted during the first two years of marriage - only 7 of the 100. Most (43) had been married from two to five years. Another 22 had been married from six to ten years and 27 had been married over ten years. However, this does not necessarily indicate a permanent marriage break at that stage: the desertion indicated is the first desertion, and in a number of cases there is a record of temporary reunions, interrupted by longer and longer periods of desertion before the current one.

c. The Children.

All the wives in the sample had children. There were 289 children in the 100 cases. Of the 57 wives who had married in their teens most (24) had two children; 13 had one child, 7 had three children, 5 had four children, and 8 had five or more children.

The two-child family was most common throughout the sample: 31 wives of the 100 had two children; 22 wives had only one child.

But 18 wives of the 100 had five children or more.

Most of the children of these mothers were still under three years of age at the time of the survey. There were 92 children up to the age of one year; another 84 up to the age of two; another 71 up to the age of three, and 36 aged four or more. This suggests a very long period of dependency ahead, unless new solutions for these families are found.

It also contradicts at least insofar as these families are concerned, the notion that the infant child binds his parents together. In our sample, in 69 per cent of the families with one or two children the mother had been married in her teens. The stress and responsibility of early child care is obviously a factor in driving these young parents apart, to the point of desertion. Parenthood does not automatically bring mature feelings of sobriety, patience and self sacrifice to a young man, at least not to the degree necessary to maintain a marriage in low socio-economic circumstances.

d. Economic Circumstances.

The housing accommodation occupied by the deserted wives is indicated only by the number of rooms in which they live, and most (57 of the 100) live in units of 4 rooms or more. Few of the records mention that the accommodation is shared with others, such as the deserted wife's parents or other family members. The impression is that they live on their own. Seventeen wives live in 3-room units and sixteen in units with less than three rooms. Among those

living in the one- or two-room units are 7 wives with two children each, 5 with one child, 3 with three children, and 1 with more than five. (The significance of housing in relation to desertion is indicated in Sub-section 2.)

The employment status of the deserting husband is of considerable interest. This definition does not imply that the husband is now employed, but is simply an indication of the kind of employment he has had or is capable of performing.

Of the 25 husbands who married while still in their teens, 6 were unskilled laborers, 5 had worked as shoe repairmen, messengers, shippers, car washers, taxi drivers, and bar tap men. Another 9 had worked at slightly more demanding jobs such as sales clerk, general office worker, truck driver, and service station attendant. One had reached a higher job level indicating both some job training and some particular skill, the Type 1 category which includes accountants, comptometer operators and commercial artists.

The other husbands showed a little better rating in employment status. But only 12 of the total 100 had jobs in the highest category of skilled labor, and 13 of the whole group were completely unskilled and in the common laborer group. 54 were in between. In 21 cases the job status of the deserting husband was not known.

Less than a quarter of the wives had been employed at the time

of desertion (22 of 100; three not known). However this number had dropped at the time of the survey, to only 9 wives working, 86 not working, and 5 with the information not known. The conclusion here is that the 22 wives had been earning some money to contribute to their marriage and supplement the meagre earnings of their husbands. On desertion, the wives had been unable to support themselves and their children by their own earnings; all had turned to public assistance, and only 9 were able to continue some kind of gainful employment in their present circumstances. It might be argued that these 9 wives showed particular persistence and self reliance to continue working instead of going completely "on welfare".

e. Husband's Support.

Of the 100 deserted wives, 68 are receiving no financial support from their husbands. Three are receiving token amounts of under ten dollars a month; eight are receiving from \$10 to \$40; sixteen are receiving from \$40 to \$100, and only five are receiving \$100 or more.

Only 55 of the deserting husbands are under court order to contribute to the maintenance of their families. Of these, a surprising number (34) have been ordered to pay only token sums of up to \$10 a month (and obviously a number of these men have failed to pay even these sums). Six husbands were ordered to pay from \$10 to \$39 a month; twelve were ordered to pay from \$42 to \$99, and in three cases the maintenance was set at \$100 or over.

f. Cause of Desertion

Only 84 of the 100 deserted wives had listed reasons for the desertion. The biggest cause (in 32 cases) was violence and cruelty. There were 26 who attributed desertion to alcoholism and 26 to infidelity.

What the deeper causes may be, leading to violence and drunkenness, is not tabulated. Emotional immaturity is obvious; so is poverty,

lack of education and training and lack of skill to handle a meaningful, "man's" job instead of the casual employment offered to untrained youth.

The deserted wife in this Ottawa sample then, was most likely in her teens when she married a man only slightly older than herself with only minimum job skills. She got through about two years of marriage before her husband left her, and she has probably two children under three years of age. She probably gets no financial support from her husband and is wholly dependent on welfare.

## 2. Public Assistance and Housing

Preliminary findings from a study of housing conditions of public assistance recipients, undertaken by the Canadian Welfare Council in 1968, showed that among such families in Vancouver, 11.5 per cent of those who reported that they were divorced, separated or deserted claimed that the breakdown of their marriage had been affected by housing conditions.

Among all those who claimed that family life was seriously affected by their housing conditions (34.5 per cent of the sample), the chief complaint was lack of space giving rise to bad feelings, - and space was further defined as space for recreation, eating, sleeping, storage, children's studies and the special needs of a sick member of the household.

### 3. Case Studies of Five Ottawa Deserted Wives

Of the deserted wives receiving public assistance from the Ottawa Department of Welfare, five were examined in detail as to the disintegration of their marriages. In discussing them, it is important to bear in mind the disturbing fact that these are nearly all very young people, at the outset of their adult lives.

a. In only one was the desertion clear cut and final. A man earning \$900 a month, with no assets, a debt of close to \$1,000, deserted his wife and three children after six years of marriage. She charged him with desertion and he was ordered to pay her \$250 a month, but he defaulted after a year and a half. She was unable to locate him and now is supported by welfare.

b. A woman pregnant when married, with six children after eight years of marriage, has been separated and resumed living with her husband a number of times and has applied on three different occasions for welfare because he was not supporting her. The husband had held reasonably good jobs and had sometimes paid her as much as \$40 a week, but more often nothing. He was frequently unemployed, drank excessively, went out with other women, was heavily in debt, and at least once had threatened her life.

The decisions taken by the court in this case point to some major problems. On his second appearance under the charge of non support (after failing to pay a previous maintenance order of \$100 a month) the husband's payment was cut to \$40 because of other debts he had accumulated. Also, custody of the children was given to the

wife but the improvident husband was allowed the usual access to them. He continues to visit the children frequently, and they have increased in number from 4 to 6. When periodically claiming welfare, the woman denies receiving money from her husband and denies cohabitation with him, to the extent of insisting that he is not the father of the two youngest children. She is at present on welfare.

c. A wife applied for welfare assistance for herself and two children when her husband was serving a jail sentence for shoplifting. Four years later she applied again: her husband had in the meantime, since his return from the reformatory, run up debts of over \$10,000, gone on a drinking spree and sold their furniture. A charge was laid in Family Court, but dropped. Reconciliation was advised, and attempted, but the husband beat both his wife and their children and disappeared again. Ordered to pay maintenance of \$20 a week he became enraged, returned to their house and destroyed her clothes. The police failed to find him but he was shortly back at the house to beat her severely, claiming she had been in the company of another man. This time he was caught and charged with assault; the charge was dismissed because of his claim of infidelity. He repeatedly broke into her house and was removed by police.

Under these circumstances it is remarkable that the court still granted him visiting rights to see his children, though he failed to pay the maintenance orders issued by the court, and though his behavior was eventually investigated by a psychiatrist leading to his being placed in a mental institution.

d. This wife is old enough to have a daughter who works and pays board; there are four children in all and the wife works part time as a domestic.

The husband is an alcoholic who is repeatedly fired from his jobs because of his drinking, who has run up a debt of several thousand dollars and tried to file for personal bankruptcy. Ordered to pay for the maintenance of his family he defaults on his payments. Again in this case the wife has custody of the children but the father has access to them.

e. The final case is the most flagrant one of abuse by the deserting husband. After three years of marriage a wife with two children applied for assistance, as her husband had left her without support. At the intervention of the welfare officer reconciliation was attempted, but he failed to provide support, lost his job, became injured in a brawl, was charged with drunken driving, left home repeatedly, and abused her when he returned.

After a second application to the Welfare Department the wife was told by her husband not to apply for welfare or he would take the money and run off with it. He threatened her life if she persisted in seeking welfare, although he failed to provide her with support. She was afraid to lay charges against him in the Juvenile and Family Court because he would likely retaliate against her and the children. The Welfare Department contacted him and had him agree to pay \$20 a week; eventually he was brought into court and ordered to pay \$40 a month.

This case record goes no farther, but it is difficult to imagine that the violence and non-support end at this point.

In analyzing these five case studies a senior executive member of the Canadian Welfare Council emphasizes the "multi-problem" nature of all but one. The effects on the children would seem to be disastrous, and granting the deserting father access to his children seems highly questionable in view of the consequent turmoil and violence. In some of these cases earlier intervention to treat mental illness and acute alcoholism is clearly needed.

#### 4. Deserted Wives at a Summer Camp.

An informal camp setting (the camp is subsidized by a welfare agency for mothers and children) provided an opportunity to obtain additional information about the deserted wife from her own discussion of her problem.

About 60 women took part. They were equally divided in age between the twenties and thirties, with only two over 40. All had 2 to 5 children ranging from infancy to 15 years of age. In appearance they were not obviously "disadvantaged"; most were articulate and frank. Their monthly incomes from all sources ranged from \$212 to \$319. Some lived in public housing, but felt a stigma attached to this way of life, and suspected undue supervision of their private lives. The cost of housing was important in all their budgets.

Their strongest feelings were expressed in regard to teen-age marriages, particularly of the "shotgun wedding" type. The wives

thought "hellish marriages and unwanted children" were the general result of such weddings. They strongly urged that birth control information be made available to young people. Some spoke of broken marriages in their own backgrounds; all of unhappy family life before marriage.

Other strong feelings were expressed about the wish to get jobs. Most felt their circumstances and lack of training made this impossible: they would not earn enough to pay for care of the children. They felt "trapped". Said the interviewer: "I don't think that anyone could listen to the women discussing their problems and not be convinced that a good job would do more than anything else for their self respect and their attitude toward other people." They felt acutely resentful of being left with sole responsibility for the children. If they did not complain on their own behalf they were deeply concerned for their children, especially their older boys whom they found difficult to control. They felt they got little sympathy from the community which "expected them to be failures".

Another grave problem in their own minds was the trouble, anxiety and resentment that arises from "visiting privileges" by the fathers; for some, it was the hardest problem to handle in their lives. Some had experienced violence from their husbands on these visits. Sometimes the husbands "put on a show" with the children, winning their admiration, though the mothers must hear the day-to-day burden of custody. They felt the Courts were unjust in granting the husband a right to such visits.

Reasons given by these women for desertion ranged from teen-age immaturity to mental illness, and there were a number of references to violence, although there was reticence about

discussing it. They said there was no adequate police protection: in their experience the police are "not allowed" to intervene in domestic violence or lay a charge. They said: "You need to be dead to get police protection."

In discussing preventive measures, two points of interest were raised. One was the need for counselling young people before letting them get a marriage license.

But one young deserted wife urged that marriage counselling was not enough. The opportunity should be given, she felt, for each individual woman to successfully achieve maturity of character, self understanding and personal achievement, because only then could she contribute successfully to a marriage.

##### 5. Impressions from Welfare Administrators

In the course of a September, 1968 field trip to a number of Ontario municipal welfare offices, various responses were given to questions about desertion cases. These were informal in nature, but generally confirmed the impression that desertions are commonest among young couples. Some of the administrative officers were highly suspicious of these "clients", feeling that collusion was being practiced and the couple were secretly living together while claiming desertion. These suspicions were not verified, though clearly the administrators would like to have had the resources to police all cases in doubt.

A comment received from the Victoria Social Welfare Department supports the Ottawa data in regard to causes of desertion:

"... reasons for separation or desertion may extend from 'incompatibility' of parents to physical cruelty on the part of the husband, incestuous relationships and, very frequently, alcoholism."

6. Annual Report of the Department of Welfare of the Province of Ontario, 1965-66.

In their 1965-66 report, the Ontario Department of Welfare presented statistics relating to women receiving Mother's Allowance. Of the deserted wives, most were in the 20 to 29 age group.

400	of the deserted women had	2	children
353	had	3	"
264	had	1	child
241	had	4	children
155	had	5	"
83	had	6	"
38	had	7	"
10	had	8	"
2	had	9	"
1	had	10	"
1	had	11	"

Of all Mother's Allowance recipients, 64.7 per cent were living in cities; 16.1 per cent in towns; 8.7 per cent in villages; 9.3 per cent in rural areas and 1.2 per cent on farms.

The Mother's Allowance recipients living in their own homes totalled 21.7 per cent; in a relative's home 9.8 per cent; boarding 6.6 per cent; in rented houses or apartments 52.2 per cent; in rented rooms 8.2 per cent; in other accommodation 1.5 per cent.

This would seem to support the impression gained from the incomplete Ottawa evidence that not many such women live with their own parents or other relatives; most are "on their own".

7. Deserted Wives Dependent on Social Assistance in Newfoundland.

One of the very few studies of deserted wives in Canada was made \* in Newfoundland in 1958 by Donald E. Willmott.

163 cases were studied. Support from the husbands was minimal: 26 were under court orders but none had paid regularly and 13 had paid nothing.

Most desertions (54 per cent) had occurred within the first five years of marriage.

The largest group of wives (33 per cent) had either one or two children; 30 per cent had three or four; 11 per cent had five or six, and 3 per cent had over six. A group of deserted wives without children was included in this survey: 23 per cent.

The deserting husbands were commonly unskilled laborers.

This study also showed that fewer desertions occurred (23 per cent of total desertion group) among couples who took up residence in the husband's home community. The rest had taken up residence elsewhere in Newfoundland. This data was gathered in an attempt to show the effect of supportive family ties in maintaining a stable marriage, and the results would indicate that this is a relevant factor.

Age of the couple, and early pregnancies, were not regarded as significant in this survey, when these figures were compared

\* Donald E. Willmott, assisted by Agnes M. O'Driscoll and Marina C. Power, Deserted Wives Dependent Upon Social Assistance in Newfoundland, 1958. Unpublished.

with corresponding figures for couples also receiving assistance but not separated. In other words, early age at marriage and pre-marital pregnancies were common in both groups ( somewhat higher among those who stayed together ).

Stated reasons for desertion were chiefly alcoholism, infidelity and violence, suggesting again that desertion is often the final act in a disintegrating marriage.

The Newfoundland study suggests that ten years ago the problem of desertion was what it is today: a desperate act by a young husband with little income and immature character who cannot or will not support his young wife and infant children.

#### 8. Cases of Desertion Studied in a Combined Research Project of the University of Manitoba, 1958

A group of graduate students of the University of Manitoba School of Social Work undertook to study several aspects of desertion appearing in case records in the City of Winnipeg. Sources were the Children's Aid Society of Greater Winnipeg, the Winnipeg City Welfare Department, the Family Bureau of Greater Winnipeg, the Manitoba Government Division of Public Welfare Services, the Family Court and the Child Guidance Clinic of Greater Winnipeg. A sample of 111 case records was used, and examined as to age, number of children, ethnic origin, religion, length of marriage, education and other characteristics.

The findings of our Ottawa survey are very largely confirmed by this study. It was found that most desertions occurred between

the second and fifth years of marriage, and that in most cases there were two or three children. Over half the wives had been under the age of 21 when married. There had been less than two years' difference in age between husband and wife. Different ethnic origins were discovered in a large percentage of the cases, but different religions were not an apparent factor. Drinking problems as defined by either the wife or a social worker were apparent in over three-quarters of the cases. Unemployment of the husband was not perceived as a factor. Differences in levels of education were not general among the desertion cases.

In reviewing the descriptions given of deserted wives and their circumstances, it is important to be reminded again that desertion also occurs in an unknown number of marriages among more affluent families. More often, in such cases, desertion is followed by recourse to divorce or a legal separation - alternatives which at least to the present time have not been available to the poor. The impression should not be left that desertion is peculiar to the low-income groups in Canada. The only adequate way to disprove this impression would be through a thorough study of the marital habits of high-income groups - which unfortunately is not available.

1. The Principle of Support

Many aspects of a wife's legal relation to her husband have altered since the early formulation of English common law which almost completely suspended during matrimony any legal capacities or private rights she might have enjoyed while single.\* She has gained back in large measure the right to hold property and dispose of it, rights in regard to the custody and upbringing of her children, and rights in a number of other areas. We are also today beginning to see especially in the decisions of family courts a relaxing of the principle that a man must legally support his wife. The granting of alimony and the order of maintenance may be influenced by consideration of the wife's capacity to earn on her own behalf.

The concept of support of a wife - of providing her with the necessities of life, of being responsible for her debts - was a corollary of the principle that a husband assumed possession of all his wife's property at the time of marriage, and took possession also of anything she might earn while she remained his wife. Though this has changed, the demand for support persists, with a gradual trend toward independence.

\*Albert C. Jacobs and Julius Goebel, Jr., Cases and Other Materials on Domestic Relations, 3rd edition, 1952, Foundation Press, New York.

(It is interesting that Lord Beveridge in his report on which the British National Insurance Act of 1946 was based, disputed the concept of the state's responsibility for widows which was an inherent part of the 1926 contributory pension scheme. Beveridge said: "There is no reason why a childless widow should get a pension for life; if she is able to work, she should work."

The National Insurance Act, while introducing many qualifications of age, employability and so on, was based essentially on the principle that widowhood in itself was not a contingency for which the state should make financial provision through the welfare services. Women's status as a dependent, once she had married, was being challenged.)

In general practice, support of a deserted wife is tied to support of children as well: the attitude may be said to be that a father must support his children under the age of sixteen, and support is conceded to the wife as the one who must care for the children, thus hampering her capacity to earn. A childless deserted wife, unless she is seriously disabled, has less call on the sympathy of the court and is not as likely to get a maintenance order from the court. But there is no clear formulation of these distinctions. The legislation appears to make a wife as clearly dependent on her husband's support as the children are.

This is also the prevalent public attitude, as for example in the 1961 Report of the Canadian Welfare Council on Family Desertion: "Most important of all, perhaps, it would be unwise to remove legislative provisions that emphasize the responsibility and obligations of the husband to support his wife and family."

Thus the official position taken by our courts in cases of desertion is that it is the responsibility of the husband to provide for his wife and family. It follows that when the wife and children are in need the wife as the injured party must charge the husband with failure to support.

Yet the Act does allow a third party to enter the picture, to lay claim to support on behalf of the wife, and to collect maintenance from the husband for her. Thus in Ontario the Department of Welfare now collects maintenance orders for wives and children receiving public assistance, - by way of compensation to themselves. Nevertheless it is still considered that the onus of support is on the husband, and the onus of demanding support is on the wife.

It was this principle which was put to the question in our survey of welfare departments and the courts. In the light of the numbers of women who now earn, and in view of the fact that most deserting husbands do not in fact pay even when ordered to do so, how tenaciously do we hold to the doctrine that a wife must demand maintenance from her husband as a first step in seeking aid?

2. Opinion and Policy

Replies from eighteen courts dealing with deserted wives brought some criticism of the attitude of welfare departments. One respondent said: "It is felt that the Provincial Welfare Departments are ignorant of the broad facilities offered via the counselling department of our court. They send in those cases to lay a charge of non-support in order to qualify for assistance under Provincial Welfare - often against the will of the wife who does not want to lay a charge."

When the seven provincial departments of welfare answered questions on their policy only one said flatly that it did not require a deserted wife to lay a charge against her husband before receiving public assistance. This answer however is rendered doubtful by the same respondent's comment that "court proceedings" are "accepted as proof", - a highly ambiguous response. Other provinces said they "might" make this requirement, or might "advise" the wife to lay such a charge.

When asked their opinion on this point, four respondents said that a charge of desertion should not be a condition of receiving welfare; three said it should be.

When the 26 municipal departments of welfare were questioned, one of them was bluntly critical, in its turn, against the procedure of laying a charge. This municipality said its policy was to pay public assistance immediately, "and then go through all the useless court procedures."

These municipal welfare departments were often ambiguous in defining local policy. Nineteen, however, said they do make the charge of desertion a requirement, and of the seven who do not, three made a distinction between short-term assistance (no charge required) and continuing assistance (charge required). Others said that no charge was required if the whereabouts of the husband was unknown and the prospect of locating him seemed hopeless.

Those who do require that a charge be laid justify it on the grounds that this is clear proof of desertion, that it deters collusion. One respondent said firmly that, "Many instances of family desertion are, in fact, collusion," and "The deserted wife should have no compunction about laying a charge if she is deserted." It was considered to be "the wife's responsibility".

In many cases legal aid and counselling were mentioned by both courts and welfare departments as a means of assistance to wives in laying the charge. However it is still unfortunately true that legal aid (without cost to indigent citizens) is not as widely available as it should be. Many desertion cases are heard without benefit of legal counsel, though efforts are made to provide counsel for the wife if it is known that the husband is to be represented in court. Since the establishment of the legal aid plan in Ontario, other provinces are also introducing more generous policies, but provision of legal aid is still far from adequate, especially in Family Court matters.

The penalty for refusing to lay a charge is often severe. The wife's application for public assistance is frequently turned down if she refuses to lay a charge against her husband.

### 3. Objections to This Policy

One court in replying to our questionnaire said that to require the wife to lay a charge of desertion before receiving public aid was a violation of civil rights.

Other respondents who dislike the practice pointed out that where any hope of reconciliation exists it is shattered when the wife charges her husband with desertion.

For others, the important argument was that a wife is often in fear of her husband, believing, with good reason, that if she charges him in court he will retaliate against her and the children. Thus a municipal department commented that it was "fairly common" for wives to refuse to lay charges because "of fear of reprisal and inadequate police support."

A protest against this practice has also come from the Ontario Legislature's Select Committee on Youth (1967) which argued that it prevents family counselling from being an effective means to reconciliation.

There is the additional fact that the requirement means a delay in drawing assistance in a time of emergency for the wife and children. Temporary relief is often given. But it is the policy in some areas to require an interval of from three to six months, as proof that desertion is genuine, before the application is considered. Further delays are often experienced when expected maintenance payments are not paid, and the wife must apply to the welfare department for additional help. Conversely, however, there is seldom a claim from a welfare department for reimbursement.

The feeling that she is shabbily treated is prevalent among deserted wives. There is cynicism about being compelled to lay her charge in court, when she subsequently finds that the court which issues an order for maintenance does not enforce its own ruling. She may very well question the sincerity of the court; she may feel the whole procedure is a sham which has only succeeded in permanently alienating her from her husband, and leaving her on welfare. Certainly the second letter in Section III reflects this attitude.

The feeling may be exacerbated when she herself is quite possibly held up to ridicule for zealously pursuing her husband (as the law requires her to do). Society is very apt to deplore her zeal in "hounding the poor man". What is she to do? The law has required her to be punitive - because the public conscience is better served if we can believe a man is being called to account to support his family.

The wife has been made the instrument of a rather pious and unrealistic moral judgment.

Individual women are influenced by the expectations of social workers, welfare administrators, and magistrates. The whole tenor of the legislation, and the policy of courts and welfare offices, encourages her to regard herself as a dependent. It is quite unrealistic. The young wife has no chance of getting continuing support throughout her lifetime from the young husband who ran away. It would surely be in her best interests to confront her with a responsibility to help herself. Such a basic assumption would lead to rehabilitation, retraining and job placement for her, along with community help in child care. Alternatively, an adequate assistance allowance should be offered, with the prospect of training and job placement when the children are older. This would be much more in line with today's trend toward equality of opportunity for employment for women.

Anachronistic inequalities before the law are implicit in the present legislation and policy of administration. One is the concept of chastity. We impose on the deserted wife the requirement that she remain chaste, if she is to continue to receive the maintenance ordered by the court. The Act at least in some provinces declares that maintenance may be cancelled if she commits adultery.

On the other hand, there is tolerance of the fact that many deserting husbands enter into a second union. The obligations to a commonlaw wife and her children are customarily taken into account by family court judges and magistrates in determining the amount of money the man shall pay his legal wife and her children.

Such legal sanction of the old "double standard" is not in accord with modern thinking. It is a serious handicap in seeking to help a woman toward self-respect, a sense of personal worth, and respect for both law and community as a source of support in the difficult role she will have to play in the future care of herself and her children.

VII

THE MAINTENANCE ORDER

1. No figures are available to show the amounts ordered by the courts as maintenance of deserted wives and children. A table (see Appendix D) has been prepared to show the disposition of complaints under the Deserted Wives' and Children's Maintenance Act in a large urban Juvenile and Family Court in Ontario during selected periods in the years 1966 to 1968. This shows, for example, that in July 1968, of 227 complaints of this nature brought before the Court, an order was made in 74 cases, 26 were adjourned, 43 withdrawn, 25 dismissed, in 13 the order was varied, in six arrears were ordered paid, in one the order was rescinded, in one a fine was imposed, in three there was a suspended sentence, and in 35 a threat of jail was made to force payment. Information is not available on the nature of the complaints, or the amounts ordered.

2. Basis for Determining Maintenance

A consideration of the husband's earning capacity and his other obligations appears to be the basis in setting amounts for maintenance. From the wife's point of view this falls far short of adequacy, although to the courts it appears realistic. A comment received from one court in reply to our questionnaire explains the approach:

"Many wives appear to be dissatisfied. Many seem to be unable to recognize that a man cannot pay more than he earns, or that he will not work if he is left with no incentive to work - that you can

lead a horse to water but you can't make him drink. Many families cannot afford to live apart. Also many wives fail to see their own culpable contribution to the failure of the marriage."

(In describing his years of experience with deserted wives one senior official commented to a CWC staff person: "Many of these bastards (the wives) don't deserve to be lived with". One should not interpret such a remark as typical of the attitude of all courts, but there is in fact a widespread feeling among the deserted wives that the courts take the side of the husband, especially in deciding the amount of the maintenance order.)

However, other replies from the courts seemed less lenient toward the husband. For example, one respondent said that his policy was to order the payment of arrears "until it hurts the scamp."

The universal assumption by the courts is that the wives and children can count on being supported by public assistance, either completely or to make up the balance that a deserting husband cannot pay. It can readily be seen that this assumption leads to great flexibility in assessing a husband's contribution, and in many cases to setting a "token amount."

Broader social attitudes have a bearing on the decisions made in the courts. There is, as we have mentioned, an increasing tendency to consider the wife, with or without children, as a potential earner, and hence less a dependent. There is, in addition,

a greater emphasis on the individual right to happiness, which would justify a young man escaping what seemed to him an intolerable situation in order to start a new life. This is a sharp swing away from the earlier stress on duty and obligation, with happiness a by-product if the individual was lucky.

Under these conditions, the principle that a wife is entitled to maintenance from her husband, while still an edict in law, becomes increasingly a legal formality which hinders more realistic policies in dealing with desertion.

The welfare departments, of course, are concerned with the heavy load on their budgets. Some municipal welfare departments replying to our questionnaire criticized the court orders as "woefully insufficient to support the wife and children . . . only token amounts." Others elaborated: "In most instances they are not nearly adequate and in many cases the man could not possibly supply enough even if he were trying to." Another respondent said: "We feel the court orders are frequently biased in the husband's favor."

The situation is confusing to wives. For example, in the letter in Section III, the wife finds a maintenance order of \$250 grossly inadequate, stating, "This amount, being less than one-third of my husband's salary, is inadequate for four persons (herself and three children) to be expected to live on." To the husband it no doubt seemed an enormous bite from his \$900-a-month pay cheque.

### 3. The Payment of Maintenance

The responsibility for pressing charges when the husband's payments fall into arrears was resented by the group of wives who discussed their problems at summer camp. They were uncertain as to whether they ought to be responsible, but they all wished that some way could be found to relieve them of the very difficult role of calling their husbands to account.

As for the courts, the fact that the onus falls on the wife to press charges when maintenance is in arrears, appears to leave them with a quite unjustified assumption that orders are being carried out "satisfactorily" (as ten of 18 respondents reported in answer to our questionnaire). This of course is quite contrary to the reports of welfare departments which show a vast majority of husbands defaulting on their payments.

At present, in most jurisdictions, payments from a deserting husband are made directly to the wife, who must declare them as income when she receives public assistance. Alternatives have been suggested. In the Province of Ontario it is now general policy for the welfare department to receive maintenance payments, which are credited against an on-going Family Benefit allowance paid to the wife. The advantages of this arrangement are warmly commended by welfare officials and also by the wives, who are much relieved to have a dependable single source of income. In British Columbia payments are generally made directly to the courts, which pass them on to the welfare departments.

Comments on policy in making payment were received from welfare departments answering our questionnaire. Of the 26 municipal departments, 16 respondents agreed that the onus of collecting support should be removed from the deserted wife. Six replies were negative and four were conditional. Of those who favored having payments made either to the court or to the welfare department, some respondents pointed out that there are deserted wives who are not capable of pressing this kind of action, or "not good at collecting money."

The same question directed to seven provincial departments of welfare showed a similar tendency to consider payments to the court or department as a better alternative. One reply was, "It's felt the wife has enough problems to face without having to collect from a husband who deserted her."

The comments received supporting payment directly to the wife were:

1. Any other course infringes on her right to control her own destiny, and further estranges the husband from his family.
2. Assignment of payments to the department results in higher administrative costs.

Those favoring payment to the courts commented:

1. An order made in court should be followed up in court.
2. A husband might be more willing to pay someone other than his wife.
3. Defaulting husbands would be less likely to miss payments if they were aware that court action for default would be automatic.

Those favoring payment to the welfare department expressed similar conviction that payments would be made more promptly to an authoritative body other than the wife; while the wife would have the benefit of an assured income from the department instead of the uncertainty of payments from her husband.

This relatively simple administrative change would improve immeasurably the wife's position. If she could count on her regular allowance from the welfare department, she would in most cases readily assign to the department authority to collect payments due from the husband. Alternatively, the court could simply order the maintenance payable to itself, to be transferred to the department, thus investing the order with the full power of the court.

#### 4. Enforcement of Maintenance

As indicated in replies to our questionnaire, deserting husbands who fail to pay maintenance ordered by the court are sometimes charged under the Criminal Code. The charge must be made by the wife. There is a wide variation between municipalities in the frequency of laying such charges. In 1967, for example, the city of Peterborough laid 35 charges under the Criminal Code. In London there was only one such charge; in many other municipalities there were none.

Jail sentences and fines may be imposed, but many magistrates and family court judges express the view that such measures accomplish nothing. Occasionally a garnishee order is laid against the

husband's salary, but magistrates appear reluctant to use this measure, again on the grounds that it is useless, and may simply result in the man losing his job and being able to pay nothing. In the federal Public Service garnishees do not apply and they are certainly not welcomed by other employers.

The inadequacy of enforcement is generally conceded. The Ottawa Welfare Department comments: "The Court in Ottawa contends it is not their responsibility to enforce orders. The police say they haven't the staff."

The replies from 18 courts offered the following criticisms: "No real effort by police to locate husbands." "Lack of wives' resources to locate husband." "No policy on the arrest of husbands and their return." "The ease with which orders can be ignored by moving around the country."

Although reciprocal enforcement of Maintenance Acts is now on the statute books of all provinces, enabling a court in any province or in countries outside Canada to act on a maintenance order issued in the province where the wife lays the charge, results have not been impressively successful. A private Member in the House of Commons during this session\* moved a resolution urging "enactment of legislation..." relating to ..."spouses who escape their responsibilities by moving across provincial boundaries prior to a maintenance order being obtained in the original domicile."

\*Hansard, Oct. 4, 1968

A recommendation from the 18 courts was that: "Onus should be on the State to enforce and collect an order." However, there was a further comment: "Orders are difficult to enforce and when enforced some men turn to social assistance and common law company."

Municipal departments of welfare urged stiffer maintenance orders and less leniency with defaulters. "Enforcement by court of all maintenance orders." . . . "Court to follow through on payments of orders and immediately institute legal action in case of default." . . . "Family Court could attempt to be more forceful in procuring maintenance," were some of the comments made.

One provincial welfare department said: "Police and court on deserted wives are negative. They consider it a futile exercise in most cases."

There are two provincial welfare departments (of the seven who responded) who maintain investigation units. Three municipal welfare departments, all in Ontario, also have investigation units. Their function is to locate missing husbands, to assist in presentations at court, to investigate possible common-law unions and to investigate collusion and fraud.

Can maintenance orders be enforced? Even if the onus were on the Court to enforce the orders it issues, how successful would it be? There is much evidence of a general feeling of futility, on the simple grounds that the husband is usually unable to pay.

If this is the case, one wonders at the practice of imposing an order in the first place. It appears to be an increasingly cynical gesture to preserve a moral responsibility which is then abrogated without much fear of penalty.

##### 5. Can the Act Be Changed?

The consequence of not ordering maintenance from a deserting husband is difficult to foresee. Certainly suggestions have been made to "scrap the Act", as a "bad law" which cannot be enforced. However the 1961 CWC Report said:

"Serious questions have been raised by responsible authorities about the wisdom of attempting to locate deserting husbands and enforce payments by them to their wives and dependents. It has been suggested that these attempts do not achieve sufficient results that justify the cost, and that therefore society should accept responsibility through its assistance programs for providing for deserted wives and children.

"From a purely economic point of view it may be true that the time and money spent by welfare departments, courts and police, does represent a monetary loss to the community as the cost involved is not always offset by the amount of payments secured from deserting husbands. Legal sanctions, however, are of value as deterrents to potential deserters who realize if they do desert their families, they will be liable to prosecution and court order to support."

In the seven years that have elapsed since the 1961 Report, the deterrent value of the legislation has not proved itself. Rather it would seem that maintenance is as hard to collect as ever, and increasing numbers of deserting husbands (certainly well over half) are simply not paying. Disregard for court orders escalates when it is seen that no penalty is incurred.

If the orders of maintenance were issued only in those cases and under terms with a strong likelihood of payment being made, and if the order was routinely enforced by the court which made it, the deterrent argument would be more persuasive. If, for example, a young father with some means of livelihood expressed a willingness to continue his responsibility to his children, and a desire to visit them, payments might logically be expected. If the father was clearly, in the court's opinion, an irresponsible parent incapable of providing support, his privileges as a father could be suspended, along with the obligation to provide. Much more extensive counselling with the father would be required to establish a father-child relationship on such terms. It would seem that some such modification of the general concept of responsibility is the most likely rational alternative to completely rescinding the present Acts.

The Act is upheld by many welfare administrators as a deterrent to collusion. That is, it is believed that husbands and wives may pretend to separate, and the wife claim to have been deserted, to permit the wife to draw welfare in addition to whatever income the husband may be earning. The knowledge that a charge of desertion must be made in court should prevent such attempts at fraud.

However, welfare administrators in many areas insist that such collusion is practiced now, in spite of the existing legislation. An examination of case records in the Ottawa welfare department suggests that fraud most often occurs where there is on-and-off desertion; the husband returns and temporarily supports his family, only to disappear again. In such cases it is difficult to keep up with the shifting status of the family. It is also improbable that the formal requirements of a court count for very much in the decisions taken to desert or to return. A planned act of fraud, extending over a long period of time, is less frequent because it is more difficult for a couple to maintain the pretence of having no contact with each other. This is particularly so if help to deserted families is accompanied, as it ought to be, by regular counselling service in such matters as homemaking, budgeting and child care.

The possibility of collusion disturbs many welfare officials who are accountable for demands on the public purse. Reliance on a personal statement (by the wife as to her income) seems in the long run the only feasible procedure. Policing is distasteful, degrading, a violation of privacy - and not very effective.

Reluctance to consider rescinding the Acts is largely due to the belief that the general public demands that a man support his family, and would bitterly resent taking up the financial burden through public assistance. Would the protest of the taxpayer be as

insistent if it could be demonstrated that we are paying more now, through public funds in the administration of the law, than we could hope to see returned, by the use of force, from a deserting father? Such arguments have not always been successful in countering deeply held public convictions. (For example, the cost of preventing crime is set against the cost of crime, but it fails to make its point.)

It is however our contention that those who make and administer the law should not be unduly concerned with popular misconceptions. A thorough examination of the Maintenance Acts should be undertaken with a view to ensuring, first of all, the welfare of deserted wives and children.

VIII

CONCLUSIONS AND RECOMMENDATIONS

The thousands of deserted wives and families in every province of Canada require immediate help. We have been reluctant to relieve the deserting husband of his financial responsibility, although in fact we have been able to recover only very small sums by coercive measures. The situation is complicated by our growing tendency to regard wives as potential wage-earners, not as dependents. Present methods of establishing proof of desertion, ordering and collecting maintenance, and receiving public assistance in conjunction with maintenance, have subjected the wife to unnecessary humiliation and anxiety at a time of emotional stress. Counselling and supportive community services are not adequate.

Recommendations from Respondents to Questionnaire

Recommendations from 26 municipal welfare departments in six provinces are listed as follows:

- a. Family counselling; household and family guidance (mentioned six times).
- b. Daycare centres; kindergarten; headstart programs (mentioned twice).
- c. Single parent clubs (mentioned twice).
- d. Big Brother clubs (mentioned once).
- e. Enforcement of the law (mentioned four times).
- f. Desertion should be a criminal offence (twice).
- g. More jail sentences (once).
- h. Stiffer court orders; recognition by courts of their prime responsibility to wife and children (once).
- i. Debts for personal pleasures, i.e. cars, boats, should not be considered in making court order (once).
- j. Place more responsibility on deserting husband (once).

Recommendations in Representations to the Commission

Twenty-two of the briefs presented to the Commission on the Status of Women (prior to July 1968) contained recommendations of importance to deserted wives and other women who are single heads of families. Some of these recommendations were: "The most serious problem faced by sole support mothers is financial insecurity and low level of living, notably for those relying on (1) husbands for payment which may be neglected or late and (2) government assistance which is reduced as soon as any initiative is taken to make some extra money. Recommended are: 1. A guaranteed basic income for sole support mothers. 2. A program of assisted independence. 3. Employment opportunities; more re-training and up-grading opportunities both academic and technical; greater child care and home help service, enforcement of equal pay legislation. 4. Increased tax concessions: raise the basic exemptions; child care expenses to be deductible at least in part; a quid pro quo in the tax system to recognize contributions made by mothers by service in kind; a pension in their own right for mothers."

(The Minus Ones, Wpg.)

"Guaranteed income ... if this income is made up partially through an assessment on the father it should then be up to the state which established the assessment to recover it." (Manitoba Volunteer Committee on the Status of Women)

"The protection of property rights of deserted and separated wives." (Manitoba Volunteer Committee on the Status of Women)

"The onus for policing the husband be taken off the wife.

New legislation to remove the onus from the wife for discovering the whereabouts of a deserting husband." (The Minus Ones and the Y.W.C.A. Married Women Alone, Wpg.)

"Provision for legal counsel at public expense. Formation of a domestic police force to protect a woman alone from an abusive spouse." (Manitoba Volunteer Committee on the Status of Women)

"The problems a woman with children faces when considering re-training are nearly insurmountable. The organizational concept of schools does not take into account and even lacks appreciation of her family responsibilities." (Ont. Association of Social Workers, Western Ontario)

"Family courts be empowered to garnishee wages of either parent for child support." (University Graduates, Calgary)

"A study of emotional needs of children in fatherless homes. Teachers could do much toward rounding out a child's education simply by enlarging on the role of men and women as such or simply as people and not as at present over-emphasizing the cut-and-dried image of mother and father. The increasing numbers of children with one, none or substitute parents need not feel like outcasts from the human race." (Parents Without Partners, Ottawa)

These examples illustrate the wide and intense concern of women across Canada over the condition of a group of women who are considered to be unjustly handicapped in society.

## RECOMMENDATIONS

The recommendations arising from our study fall into three categories: Preventive, Ameliorative, and Long-Term.

### 1. Preventive

(a) The marriage of young people who are not prepared for parenthood requires reassessment of many of our conventional attitudes to marriage. Measures should include:

1. A waiting period with referral to a marriage counsellor before a marriage license is granted, if either applicant is under the age of 21. We suggest the age of 21 on the basis of our data which show a preponderance of desertions occurring when the marriage partners are under this age.

It can be pointed out that divorce law makes provision for counselling before the granting of divorce. We believe that the attention of applicants for a marriage license should be directed to the duties and responsibilities of marriage and parenthood, in the best interests of society. The counselling offered should include information on family planning, child care, and household budgetting, and a clear explanation of the legal duties of child support attendant on both man and woman.

2. Parents who give consent to the marriage of minors should consider most carefully the risks inherent in such marriages.

Adult education courses, parent discussion groups and similar bodies should undertake a campaign to help parents realize that such marriages have little chance of success.

3. Where sex education courses are given in schools, emphasis

should not be placed entirely on the biological facts of reproduction, nor on social behavior while dating, but also on the responsibilities, legal, moral and interpersonal, of marriage and parenthood.

4. An effort should be made by all educative forces in society, including schools, churches and social clubs, to modify present pressures to marry, especially when this is presented as the sole criterion of a woman's fulfilment.

(b) Deserion is in many cases a desperate alternative to other means of dissolving a broken marriage. Aid should be given to enable people with low incomes to be divorced on the same basis as those in higher income groups.

Particular attention should be given to the requirement in some judicial administrations that notice must be served on the person to be divorced. When the whereabouts of the spouse is not known, as in many cases of desertion which otherwise meet the requirements of the new Divorce Act, an alternative procedure should be permitted.

(c) Deserion is closely associated with poverty. The chances of deserion would be much less if the aspects of poverty which endanger wholesome family living were eradicated. Measures should include a higher minimum wage, income supports on a scale commensurate with decent living standards, and better housing at a price which low-income people can afford.

(d) Family counselling resources should be greatly expanded, and should be used in conjunction with or on referral from a wide range of community institutions such as the churches, the courts, the schools, health services and departments of government. It is important that early counselling be offered, since last-minute efforts at reconciliation, for example by a court after separation or divorce proceedings have begun, have much less chance of success. Such counselling may very often be of a very practical nature, as for example in the homemaker teaching service offered by a few welfare departments.

For example: (A welfare administrator, Mrs. Stella Buck, of Kingston, Ontario, has quoted a case of desertion in which the young husband returned and remained with his family after an intensive help program from a competent homemaker teacher who initiated the young wife in procedures of household care and management.)

Professional help should be readily available for more acute problems such as alcoholism and mental disorders.

## 2. Ameliorative

Where desertion has occurred, the first consideration of community institutions should be the rehabilitation and support of the wife and children.

(a) Public assistance should be immediately available to a deserted family in need, and should continue with some assurance of regularity while the need lasts.

- (b) A wife should not be required to charge her husband with desertion as a condition of receiving public assistance. Her statement of income and declaration of her status as the sole support of her children should be acceptable proof of need.
- (c) Where a Court finds a husband guilty of non-support under legislation such as the Maintenance of Deserted Wives and Children acts, any sum ordered by the Court for maintenance should be received by the Court, and forwarded to the deserted wife. If the wife is receiving public assistance she may assign such payments to the welfare department in consideration of receiving continuing full benefits under welfare legislation. Legal aid should be made available to assist the wife in presenting her case.
- (d) If there is default in the payment of maintenance it should be the duty of the Court to summon the husband and enforce payment. If the Court is satisfied that maintenance cannot be continued, the order should be altered or rescinded. A maintenance order should not be allowed to remain in effect unless it is enforced.
- (e) Day care centres, after-four centres, supervised recreation centres and youth clubs should be available to every mother who is the sole support of her children, and every effort should be made by the community to assist her in the task of caring for and guiding her children.
- (f) Special assistance should be given to the deserted wife to find employment. Training and re-training programs should be

restructured where necessary to meet her needs. While such assistance toward employment can be of benefit to all sole-support mothers, it has a special value in rehabilitating the deserted wife and restoring her sense of self-worth.

(g) Some form of income support will continue to be necessary for deserted mothers. Serious consideration should be given to removing such an allowance from the welfare categories involving individual assessment of need. A universal allowance similar to the Old Age Pension is put forward as a suggestion which has already received serious consideration in some quarters. The deserted mother (and other sole-support mothers) might be selected as a worthy group to receive initial benefits under a Guaranteed Annual Income scheme which might take the form of a negative income tax.

Another suggestion which we believe has considerable merit, is to substantially increase the present Family Allowance where it is established that the mother is the sole support of her children. This has the advantage of requiring no new administrative machinery, beyond the process of dividing recipients into two-parent and one-parent categories. It would recognize that our primary interest is in the care of children up to school-leaving age. The preference given to single parents would be amply justified by referring again to the very low income positions they occupy in our income and population statistics.

3. Long Term

The study of desertion, of the particular problems of the deserted wife in our society, prompts a fresh consideration of the basic relationship of marital partners and of parents. The very real distress of a young deserted wife with small children, is directly tied to her view of her role in the family and the community. She is made wretched by distorted and conflicting concepts, which label her as dependent, whether on her husband or, in his absence, on the state, while at the same time this dependence is the cause of humiliation and fails to provide her with subsistence adequate for her real needs. Her almost instinctive reaction is a strong desire for independence, for a way out of "the trap", for a fair opportunity to earn her way and improve her situation.

It is our view that this desire for independence should be encouraged and assisted. She should face the reality of her situation, and learn to fend for herself. She should be given full credit for not abrogating her responsibility as a parent, as her husband did; she should be respected for the extraordinary responsibility she has assumed, assisted to behave in an adult way, and supported by every possible means as a substitution for the fifty-per-cent parental responsibility which is not forthcoming from her husband.

To be given full credit implies financial support as well as moral approbation. There are many mothers who would prefer to look after their own children instead of earning a salary and paying for child care for an equivalent number of hours. Society approves this choice but does not make it possible except at a minimum economic level, degraded by a means test.

A long-term attempt to deal justly with the mother who supports children deserted by her husband, leads inevitably to the vexing question of financial recognition of child care performed by a mother. Society evades the issue, partly because of enormous expenditures envisaged, partly because of deeply engrained beliefs that motherhood should be beyond monetary evaluation. This of course is not in our minds here. It can be generally agreed that motherhood and fatherhood are basic human functions involving first the birth of a child and next a natural concern and primary responsibility for its development to maturity. On the other hand, it has long been accepted in society that a considerable part of the daily care of children can be assigned to someone else. This is a distinction that is fairly plain and has become essential to make.

The conflicts now arising because some mothers go out to work (and must pay for child care) while others remain with their children, bring us closer to the need to face this problem frankly. There is agitation for tax exemptions from the salaries of working women for the amounts they pay for child care. There is protest against a social system which classifies destitute mothers with those who are

crippled or blind: with the non-contributors to our economy. It is our contention that these various complaints are part of one problem, which has to do with the cost of child nurturing, not only the provision of material needs but the daily personal service given by the adult in charge. The true value of this service is most fittingly expressed in monetary terms. The alternative is an injustice which shows itself most clearly in the particularly harsh situation of a mother of deserted children.

There would be many possible ways to put new principles into practice. Some have been suggested in sub-section (g) of section 2. Tax exemptions for child care (possibly replacing the present exemption for a wife as such) might also open the way to recognition of this service. An interesting extension of this proposal is that in the event of the introduction of a Negative Income Tax, such exemptions would become a positive benefit to non-earners or to those in low-income brackets. (Present proposals for a Negative Income Tax call for a cash payment, to those below the poverty line, of a sum equivalent to the exemptions which a taxpayer enjoys.) An outright demigrant, or universal child care allowance, is another possible alternative. It appears likely to us that as the status of women changes in the direction of adult equality, some such provisions will eventually be introduced.

It may very well be advisable to change our present laws, especially the Maintenance of Deserted Wives and Children Acts, to deal only with the maintenance of children deserted by one parent. The assumption then would be that a child requires two parents for his full development, but where one parent deserts, the state by necessity assists the remaining parent and clarifies the future role of the deserter.

A father should not be regarded as having a responsibility only to support (financially) his children. (Neither would we consider that a working mother was fulfilling her obligation if she had nothing to do with her child beyond paying for its daily care.) Thus a father also should be assumed to bear a responsibility to live with or near his children, to actively assist in their guidance and training and in the decisions affecting their welfare. If a father deserts, it is not enough to pursue him to demand money. His status in relation to his children should be put in question. If he wishes to keep the role of father he should be required by the court to make a financial payment which has some relation to the contribution his wife is making. This would be accompanied by the privilege and further responsibility of visits - which would necessarily be arranged as visits to the children and not to his wife - and of consultation when any major decisions are made concerning their wellbeing. He should be responsible for making his whereabouts known to the court for such consultation. If he fails to meet these combined conditions, his effective fatherhood of these children should be considered by the court to be suspended. He should be informed in legal terms that he has abandoned his children and has thus relinquished parental control of them. The mother would thereupon be declared the legal guardian of the children, and access to them would be denied to the father.

This proposal is predicated on the belief that fatherhood (in the sense of nurturing offspring) is an inherent attribute of adult males. A mother is less likely to desert her children because the care of children has traditionally been hers. Fathers, in our civilization, have grown away from the care of the children. With

the growing trend toward employment of women a change is envisaged toward a more equal sharing of the upbringing of children, to the immense benefit of both girls and boys. It is our belief that latent paternal feelings can be developed. It is our hope that the conscience of deserting fathers can be reached in many cases if a genuine effort is made to do so.

This improved state of affairs would be more easily achieved if the father's fatherhood was stressed, in cases of desertion. It is primarily, in most cases, the woman he runs away from. It is the wife he feels hostile toward. It is she he refuses to pay money to support. While no law should compel him to act as a husband toward a woman who, in our society, is an equal adult, the dependency of his children is very real and cannot be denied. Unless the state is prepared to assume total responsibility for all children, the primary joint responsibility of the two parents must be assumed.

At the conclusion of this study of the deserted wife we recommend a major reconsideration of parental responsibilities and the onus of support.

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APPENDIX A. OTTAWA WELFARE DEPARTMENT: A SUMMARY OF FAMILY  
DESERTION DATA

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Data for this review has been drawn from the active caseload of the City of Ottawa, Department of Welfare\*. In July, welfare personnel designated those cases which, for purposes of the Department, were considered to be family desertion. From the 255 designated cases a sample of 100 has been selected on the following criteria:

- 1) The husband and father had left his wife and at least one dependent child without adequate support.
- 2) The wife lives apart from her husband because of his failure to provide the necessities of life or because of his adultery or acts of physical or mental cruelty.
- 3) No distinction is made between legal marriage and common-law unions.
- 4) Dependent child is a natural or adopted child (unmarried), of a deserted wife who is under eighteen years of age.

An implied criteria is that the family has come to the attention of the City of Ottawa Welfare Department.

To obtain a sample of one hundred suitable cases of family desertion, it was necessary to select 111 from the designated total of 255 families. Thus, within the stated terms of reference, there are 230 cases of family desertion in the City of Ottawa (1966 population of 290,711). Or, conversely, this review is based upon a sample of 43.5 per cent of active family desertion cases. Data were taken from case records by members of the C.W.C. staff.

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\*Data for this review has been made available through the courtesy of Mr. S.P. Godfrey, Director of Welfare, City of Ottawa

Cases were rejected for a wide variety of reasons: a deserting husband had died, a couple re-united, bigamy, unmarried parent, and husband in another city attending school.

The sampling was tested by a split-half technique which revealed no significant variation. For wives by age at marriage there is  $\chi^2$  of .47 and for husbands by age at marriage the  $\chi^2$  is .84. (.05 = 7.8). One may conclude that the sample as selected is representative of family desertion in the City of Ottawa for July, 1968.

The sample includes one case of desertion in which the wife has deserted leaving the husband. This desertion occurred when he returned from a previous desertion. The children of this couple are in the care of the father. There are ten instances of collusion or suspected collusion and fourteen cases of common-law or suspected common-law unions.

(Sept. 1968)

TABLE I  
AGE OF HUSBAND AND WIFE AT MARRIAGE

Wife's age	Husband's age				Total
	15-19	20-24	25-39	DK	
15-19	23	26	5	3	57
20-24	2	19	9	2	32
25-39	-	2	9	-	11
Total	25	47	23	5	100

TABLE II

WIFE'S AGE AT MARRIAGE BY THE NUMBER OF CHILDREN  
IN DESERTED FAMILIES

Wife's age at marriage	Families by number of children					Total Families	Total Children
	1	2	3	4	5+		
15-19	13	24	7	5	8	57	151
20-24	7	7	5	6	7	32	98
25-39	2	-	5	1	3	11	40
Total	22	31	17	12	18	100	289

TABLE III

AGE DISTRIBUTION FOR CHILDREN OF ONE HUNDRED  
DESERTED FAMILIES

number of children	five year age group					TOTAL
	1	2	3	4*	DK	
	92	84	71	36	8	291

\* includes two persons nineteen years of age each. In addition, there are available data on two 'children' aged 20 and 21 respectively.

TABLE IV

AGE OF HUSBANDS AND WIVES AT MARRIAGE BY  
YEARS OF MARRIAGE BEFORE FIRST DESERTION

Years of Marriage	Ages										
	Husbands					Wives					
	15-19	20-24	25-39	DK	Total	15-19	20-24	25-39	Total		
<2	4	4	-	-	8	5	2	-	7		
2-5	12	22	6	2	42	35	6	2	43		
6-10	4	12	7	-	23	9	9	4	22		
10+	5	9	9	3	26	8	15	4	27		
DK	-	-	1	-	1	-	-	1	1		
TOTAL	25	47	23	5	100	57	32	11	100		

TABLE V  
WIFE'S AGE AT MARRIAGE BY LENGTH OF  
FIRST DESERTION IN MONTHS

Wife's age	Length of First Desertion						Total	
	Months							
	6 or less	7-12	13-24	25-36	37-48	49+		
15 - 19	27	8	10	4	3	5	57	
20 - 24	15	5	5	1	2	4	32	
25 - 39	2	3	2	-	1	3	11	
Total	44	16	17	5	6	12	100	

TABLE VI

LENGTH OF MARRIAGE BEFORE FIRST DESERTION  
BY SEX OF FIRST BORN CHILD

Sex	Length of Marriage								Total
	1,2	3,4	5,6	7,8	9,10	11+	DK	B*	
Male	10	8	2	6	3	11	-	3	43
Female	6	17	9	2	4	15	-	3	56
DK	-	-	-	-	-	-	1	-	1
TOTAL	16	25	11	8	7	26	1	6	100

\*Husband deserted before birth of first child

TABLE VII

WIFE'S AGE AT MARRIAGE BY  
MAJOR DIFFICULTY IN MARRIAGE\*

Difficulty	Wife's Age			Total
	15-19	20-24	25-39	
Infidelity	15	7	4	26
Alcoholism	16	10	-	26
Violence/ cruelty	17	13	2	32
Total	48	30	6	84

\*data not available for all families

TABLE VIII

AGE OF DESERTED WIFE AT MARRIAGE BY AMOUNT USUALLY RECEIVED MONTHLY FROM HUSBAND

Age	Amount received monthly				
	0 to 10	10 to 39	40 to 99	100+	
15-19	43	3	10	1	57
20-24	22	3	5	2	32
25-39	6	2	1	2	11
TOTAL	71	8	16	5	100

TABLE IX

AGE OF DESERTED WIFE BY AMOUNT USUALLY RECEIVED  
MONTHLY FROM HUSBAND UNDER COURT ORDER

Age	Amount Received Monthly				TOTAL
	0 to 10	10 to 39	42 to 99	100+	
< 25	13	1	5	-	19
25 to 34	12	2	3	1	18
35 to 44	7	2	3	2	14
44+	2	1	1	-	4
TOTAL	34	6	12	3	55

TABLE X

WIFE'S AGE AT MARRIAGE BY  
HUSBAND'S JOB TYPE\*

Wife's Age	Job Type					DK
	1	2	3	4		
15-19	6	22	9	10	10	57
20-24	4	13	6	3	6	32
25-39	2	4	-	1	4	11
TOTAL	12	39	15	14	20	100

\*Types of job type are based roughly on the work of Blishen (Blishen, B. Jones, F.E., Naegele, K.D., Porter, J., Canadian Society Sociological Perspectives, Toronto: Macmillan, 1961.). Examples as follows:

Type 4 - Labourer, farm hand

Type 3 - shoe repair, messenger, shipper, car washer, taxi driver, bar

Type 2 - sale clerk, general office worker, truck driver, service station attendant

Type 1 - accountant, comptometer operator, commercial artist, (type 1 including those job types ranked higher than types 2 to 4. They are grouped together in the Table as an expediency.)

TABLE XI  
HUSBAND'S AGE AT MARRIAGE BY JOB TYPE\*

Age	Job Type					Total
	1	2	3	4	DK	
15-19	1	9	5	6	4	25
20-24	7	19	8	5	8	47
25-39	4	9	2	2	6	23
DK	-	1	1	-	3	5

\* see footnote Table X

TABLE XII  
HUSBAND'S AGE AT MARRIAGE BY PER CENTS  
FOR JOB TYPES\*

Age	Job Type				Total %
	1	2	3	4	
15-19	4	36	20	24	84**
20-24	15	40	17	11	83**
25-39	17	39	9	9	74**

\* see footnote Table X

\*\* discrepancy accounted for in 'DK' category (see Table XI)

TABLE XIII

NUMBER OF CHILDREN IN DESERTED FAMILIES BY THE  
NUMBER OF ROOMS IN THEIR LIVING ACCOMMODATION\*

Number of Children	Rooms					TOTAL
	<3	3	4	5+	DK	
1	5	5	3	5	4	22
2	7	9	5	6	4	31
3	3	-	3	9	2	17
4	-	2	2	8	-	12
5+	1	1	1	15	-	18
TOTAL	16	17	14	43	10	100

\*excludes children over 18 years of age

TABLE XIV  
DESERTED WIVES WORKING AT TIME OF DESERTION  
AND AT TIME OF SURVEY

Working	At Desertion	Survey*	TOTAL
yes	22	9	31
no	75	86	161
DK	3	5	8
 TOTAL	100	100	200

\*July and August 1968

TABLE XV

Age of Husband and Wife at Desertion

Wife's Age	Husband's Age					Total
	15 to 19	20 to 24	25 to 34	35+	DK	
15 to 19	16	16	2	-	1	35
20 to 24	1	20	3	-	3	27
25 to 34	-	1	21	4	2	28
35 +	-	-	2	6	2	10
Total	17	37	28	10	8	100



APPENDIX B.

Municipal Welfare Department's: A Summary of Questionnaire Data

This is a summary of data from 26 of 110 Municipal Welfare Departments included in the sample. The data, although incomplete, are being reported at this time as an expediency and with the knowledge that they may not be representative, on the whole, of Municipal Welfare Departments in Canada. Nonetheless, the summary contains a quantity of useful information which can be of value in the Council's work. Some further reservations on the data are outlined in 'Introduction' to the Provincial Welfare Department's: A Summary of Questionnaire Data.

Table I is a tabulation of returns (to-date) covered in this summary. Returns have been received from all sample Departments in both Saskatchewan and Manitoba but none, from the province of Quebec. The table would be more useful if read in conjunction with the statement on Municipal Welfare Department sampling outlined in this Manual under the title, Study Population and Samples.

The provinces of Newfoundland, New Brunswick and Prince Edward Island did not qualify for inclusion in the sample while the two eligible Saskatchewan Departments were both included.

Respondents have categorized themselves into eighteen different positions within the Departments. The range extends from Director to Acting Welfare Commissioner but does not appear to have important implications of the Council study. Only one respondent refused to identify his position.

TABLE I

SAMPLE OF MUNICIPAL WELFARE DEPARTMENTS  
AND THOSE REPORTING TO SEPTEMBER 4, 1968

Province	Municipal Welfare Departments	
	Sample	Reported
British Columbia	13	4
Alberta	6	2
Saskatchewan	2	2
Manitoba	3	2
Ontario	38	14
Quebec	33	-
Nova Scotia	15	2
TOTALS	110	26

The Incidence of Family Desertion and Its Importance as a Factor  
in Welfare Assistance Payments

Table II is a tabulation of the total sample including those Departments that have not yet reported. The seven columns include, from left to right: city population, number of welfare cases 1966 and 1967, the number of Family Desertion cases 1966 and 1967, the amount of assistance paid to Deserted families in each of 1966 and 1967. On the whole, the reporting is rather meagre and very probably reflects a wide margin of error. Only seven of the 26 reporting departments have given information for all categories included in the table.

TABLE II

Municipal Welfare Departments: Departments in Sample and/or Reporting by City Population, Number of Welfare Cases and Deserted Family Cases 1966 and 1967, and Amount of Assistance Granted for all Categories and Deserted Families 1966 and 1967

City	Population 1966	Welfare Cases 1966	Family Desertion		Assistance to Welfare Cases		Assistance to Deserted Families 1966 (thousands)
			Cases 1966	Cases 1967	1966	1967	
<u>B.C.</u>							
Burnaby	112,036	N/A	342(J)	N/A	80(J)	N/A	N/A
Coquitlam	50,460	N/A					N/A
Kelowna	17,006	N/A	N/A	N/A	N/A	N/A	N/A
New Westminster	38,013						
North Vancouver	26,851						
Penticton*	15,330	3,865	3,700	1,353(E)	1,295(E)	352	402
Richmond	50,460	220(M)	237(M)	N/A	N/A	516	568
Saanich	58,845						
Terrace	8,637						
Vancouver	410,375						
Victoria	57,453						
West Vancouver	31,987						
Williams Lake	3,167						



TABLE II  
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City	Population 1966	Welfare Cases 1966	Family Desertion Cases 1967	Assistance to		Assistance to Deserted Families 1966 (thousands)
				1966	1967 (thousands)	
<u>Alta.</u>						
Calgary	330,575					
Edmonton	376,925	2,377	2,425	535(E)	545(E)	990
Lethbridge	37,186					
Medicine Hat*	25,574	941	986	52	47	73
Red Deer	26,171					
St. Albert	9,736					
<u>Sask.</u>						
Moose Jaw*	33,417	716(D)	557(A)	127(D)	123(A)	59(D)
Prince Albert*	26,269	481	800	131	159	631
Man.						
Brandon*	29,981	1,136	1,464	249	366	81
St. Boniface	43,214					
Winnipeg	257,005	2,035(A)	1,958(A)	N/A	N/A	2,669

<u>City</u>	<u>Population 1966</u>	<u>Welfare Cases 1966</u>	<u>Welfare Cases 1967</u>	<u>Family Desertion Cases 1966</u>	<u>Family Desertion Cases 1967</u>	<u>Assistance to Welfare Cases</u>		<u>Assistance to Deserted Families</u>	
						<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>
<u>Ont.</u>						N/A	N/A	N/A	N/A
Barrie	24,016	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Belleville	32,785								
Brantford	59,854								
Brockville*	19,266	132	143	35	33	46	49	12	17
Cornwall	45,766								
Eastview	24,269								
Fort William	48,208								
Galt	33,491								
Guelph	51,377								
Hamilton	298,121	1,200(E)	2,400(EI)	600(E)	600(E)	3,058	3,400	N/A	N/A
Kenora	11,295								
Kingston	59,004								
Kirkland Lake	659								
Kitchener	93,255								
London	194,416	N/A	N/A	229(Y)	195(Y)	N/A	N/A	N/A(Z)	N/A(Z)
Niagara Falls	56,891								
North Bay*	23,635	87	120	12	21	19	26	3	4

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City	Population 1966	Welfare Cases 1966	Family Desertion Cases 1966	Assistance to Welfare Cases		Assistance to Deserted Families 1966 1967 (thousands)
				1967	1967 (thousands)	
<u>Ont. (cont'd)</u>						
Oakville	52,793	700	914	204	183	67
Orillia	15,295					N/A
Oshawa	78,082	3,886	5,627	N/A	N/A	614
Ottawa	290,741					100(E)
Owen Sound	17,769					100(E)
Pembroke	16,262					N/A
Peterborough	56,177	397	615	59	81	591
Port Arthur*	48,340	2,535	2,796	134	140	212
St. Catharines	97,101					260
St. Thomas	22,983	360(E)	420(E)	48(E)	60(E)	85
Sault Ste. Marie	74,594					117
Stratford	23,068					12(E)
Sudbury*	84,888	206(A)	225(A)	20	25	376
Timmins*	29,303	6,641	7,027	N/A	45	362
Toronto	1,881,691	N/A(S)	N/A(S)	N/A(X)	N/A	383
Trenton	13,746					13,859
Waterloo	29,889					N/A

City	Population 1966	Welfare Cases 1967	Family Desertion Cases 1966	Assistance to Welfare Cases 1966 (thousands)	Assistance to Deserted Families 1967 (thousands)	
					1967	1967
<u>Ont. (cont'd)</u>						
Welland	39,960	175	200	35	50	42
Whitby*	17,273					
Windsor	192,544					
Woodstock	24,027					
<u>Que.</u>						
Arvida	15,342					
Bagotville	5,876					
Cap-de-la-Madeleine	29,433					
Chicoutimi	32,526					
Coaticook	6,984					
Dolbeau	6,630					
Granby	34,349					
Grand'Mère	16,407					
Jacques-Cartier	52,527					
Joliette	19,188					
Lachine	43,155					
Lévis	15,627					
Longueuil	25,593					

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City	Population 1966	Welfare Cases 1966	Welfare Cases 1967	Family Desertion		Assistance to Deserted Families 1966 1967 (thousands)
				1966 Cases	1967 Cases	
<u>Que. (cont'd)</u>						
Mégantic	13,797					
Montréal	1,222,255					
Montréal-Nord	67,806					
Mont-Royal	21,845					
Outremont	30,881					
Pointe-aux-Trembles	29,888					
Rimouski	20,330					
Saint-Hyacinthe	23,781					
St-Jean-De-Québec	27,784					
St-Jérôme	26,511					
St-Laurent	59,479					
St-Michel	71,446					
Shawinigan	30,777					
Sherbrooke	75,690					
Sillery	14,737					
Sorel	19,021					
Verdun	76,832					

City	Population 1966	Welfare Cases		Family Desertion Cases		Assistance to Welfare Cases 1966 1967 (thousands)		Assistance to Deserted Families 1966 1967 (thousands)	
		1966	1967	1966	1967	1966	1967	1966	1967
<u>Que. (cont'd)</u>									
Victoriaville	21,320								
Westmount	24,107								
Windsor	6,496								
<u>N.S.</u>									
Amherst*	10,551	130	145	6	10	76	98	N/A	N/A
Annapolis Royal				8,094					
Antigonish				4,856					
Cumberland County				35,933					
Dartmouth				58,745					
Glace Bay*				23,516	306	294	21	53	4
Halifax				86,792					
New Glasgow				10,489					
New Waterford				9,725					
Port Hood				472					
Richmond County				11,218					
Springhill				5,380					

City	Population 1966	Welfare Cases 1966	Family Desertion Cases 1966	Assistance to Deserted Families	
				1966	1967
<u>N.S. (cont'd)</u>					
Sydney	32,767				
Truro		13,007			
Yarmouth			8,318		

\*Information available on number of children in deserted families receiving assistance.

- J - July
- E - estimate
- EI - estimate/including 1200 individuals
- M - per month
- D - December
- A - average
- S - statistics not yet available
- X - not available as of this date
- Y - court appearances
- Z - not segregated

These data should be interpreted with caution since a number of inconsistencies appear to exist. While there may be logical explanations, the probability of high validity in the data seems rather remote. C.W.C. personnel collating data at the Ottawa Welfare Department report that there are 255 cases of Family Desertion in that city while Hamilton reports 600. Penticton (population >15,330) reports 141 deserted families assisted in 1967 and Brockville (population 19,266) reports only 17 for the same period. There is some indication that the number of assisted deserted families of a particular month was simply multiplied by twelve to give a yearly total for some departments. The number of assisted deserted families is known to vary from month to month and that in some cities a new 'case' is created when a family returns to the assistance role. (A number of difficulties in constructing a survey of this nature have been mentioned in the discussion of data from the Provincial Departments. To those points should be added one of ambiguities in the questionnaire itself.

#### Children in Deserted Families

A number of comments included in Provincial Welfare Department's: A Review of Questionnaire Data also apply to data available in this section. The data available in both sections should be interpreted with considerable reservation.

Table III gives the number of deserted families receiving assistance by numbers of children in families for all reporting (to-date) communities for the year 1967. Thirteen of the twenty-six reporting departments have included information on the numbers of children in assisted deserted families in their respective jurisdictions.

TABLE III

REPORTING COMMUNITIES BY THE NUMBER OF CHILDREN IN DESERTED FAMILIES RECEIVING ASSISTANCE FROM MUNICIPAL WELFARE DEPARTMENTS IN 1967

City	Number of Children in Deserted Families					Total Families
	1	2	3	4	4 >	
Penticton	27	22	16	14	13	92
Medecine Hat	6	2	11	9	7	35
Moose Jaw	26	20	29	27	21	123
Prince Albert	46	39	21	24	29	159
Brandon	58	122	96	62	16	366
Brockville	6	8	8	3	4	29
North Bay	3	3	4	6	8	21
Port Arthur	-	6	46	28	60	140
Sudbury	2	-	4	7	12	25
Timmins	5	9	9	10	12	45
Whitby	10	5	10	20	5	50
Amherst	1	2	2	3	2	10
Glace Bay	4	6	1	-	3	14

There appear to be a number of discrepancies in the data as illustrated in the following examples. Brandon (population 29,981) reports 366 deserted families receiving assistance in 1967 (Table II) and that all have children. North Bay (population 23,635) has 140 deserted families on assistance but only sixty of these include children. Penticton (population 15,330) reports 1,295 deserted families on assistance (Table II) of which only 92 have children (Table III).

Amherst (population 10,551) reports only ten deserted families on assistance and all with children. The variation among data are more readily perceived if Tables I and II are read simultaneously.

Types of Assistance Available to Deserted Families

All responding departments provided assistance to deserted families although the Alberta procedure varies considerably from the norm. Short term assistance is provided from the local departments with longer term assistance coming from the Provincial Department. The following quotations are from Alberta respondents:

Yes - temporarily.

In long term or permanent separations or desertions, a Provincial social allowance is granted rather than municipal social assistance.

No. April 1967? - September 1967. then referred to Provincial Welfare according to new Provincial Welfare Legislation. Many changes in Welfare Act in 1966 and 1967.

Alberta Welfare Act changed in 1966 and 1967, so that Provincial Welfare is responsible for deserted families.

Respondents were asked if they provide casework, legal assistance, rehabilitation services and information to deserted families. Positive replies are 22, 10, 16 and 24 respectively. Under 'case work' and 'information' the replies are probably representative but one could be skeptical of answers to 'legal assistance' and 'rehabilitation'. In Alberta, for example, these services are available to deserted families but not since September 1967 (reported by Medicine Hat) are they provided by the local welfare department. In these instances the local department could answer positively to the question in that a referral was made.

In other instances a referral is made to legal aid but the service per se is not provided by the local department. This appears to be the predominate situation particularly in Ontario. The returned questionnaires show ten affirmative answers on legal aid but there appears to be no distinction between referrals to legal aid and the provision of legal aid by the department. The Brandon Welfare Department reported that it pays for legal fees

In addition to the four categories of service mentioned above, a number of departments (12) gave additional comments.

Manitoba: Day Nursery Care for Children

Saskatchewan: Provincial Welfare pay a fee for service on action under the Deserted Wives and Children Maintenance Act.

Alberta: Rehabilitation in a general sense -- may mean referral to other resources, etc.

In 1966 and part of 1967 (Sept./67) assistance granted through Municipal(City of Medicine Hat) Welfare Dept., to deserted families. Since Sept./67 and part of 1966 referred to Provincial Welfare Department. If definitely established as long-term cases, referred to Provincial Welfare Department in 1966 and before.

Ontario: Guidance with regard to rights is generally given.  
Rehabilitation and Case Work Services. Assist the families on General Welfare Assistance to become self-supporting and productive members in the community.  
Referrals made to the recipient, re: legal aid, anything pertaining to desertions or separations. All services contained within General Welfare Assistance Act.  
Assistance in finding work, debt consolidation through credit bureau and courts, finding houses, etc.

British Columbia: At least one assistance grant is made if need exists. Following this referral to Family and Children's Court for Counselling and/or Court actions.

Evolution of Policy on Family Desertion

Six departments reported a change of policy within the last five years and four of those also said that new policy had been instituted during the past year. The following changes are worthy of note:

British Columbia: Extra \$8.00 per month, per child as well as \$15.00 recreation allowance, as well as rental averages.

Referral to Family and Child Court instead of Magistrate's Court.

Alberta: Since September (or before) 1967 deserted families of the Municipality are referred to Provincial Welfare Department and are the responsibility of that Department.

Manitoba: To assist immediately and then go through all the useless court procedures.

Saskatchewan: Project going on in working with one parent home and includes the deserted family.

New Social Aid Programme started in 1966. New legislature of all categories.

Ontario: Formerly public welfare assistance supplemented court payments. Now full assistance is granted and the municipality collects the court payments and retains them.

Introduction of Court Order assignments in all cases. Change in eligibility requirements for family benefits resulting in a great increase in the referral of cases to the Province.

Nova Scotia: A Nova Scotia respondent said that no change in policy had occurred during the last five years because, "The policy there has always been to assist deserted families."

Residence Requirements for Deserted Family Assistance

Only Nova Scotia (one) and Alberta Departments reported residence requirements for assistance to deserted families.

Alberta:

Twelve consecutive months, otherwise charged to municipality of previous residence for a period of 90 days and if continued assistance needed, referred to Provincial Welfare Department.

Nova Scotia:

12 to 24 months - The Provincial Social Assistance Act, Part 1, states that when it is known that the deserting spouse lives outside Nova Scotia, Provincial assistance will be paid after one year's absence, if the spouse is known to be in N.S., Provincial assistance will be paid after two years.

Waiting Period Between Application and Provision of Assistance

One department (Nova Scotia) only reported a required waiting period between application for and provision of assistance. This reply is probably due to misinterpretation since the respondent added that emergency provision is made, "...so that a counselling period and cooling-off period may re-unite family as a unit."

Assistance on a continuing basis is a Provincial responsibility. During the initial period of assistance vouchers are issued with the probability of cheques following later. One other Nova Scotia respondent reported that immediate assistance is granted pending investigation.

Two Ontario departments added comments:

No, if immediate assistance is required it is granted.

No, but if spouse is working or has income, then a charge must first be laid at Family Court.

A Charge Laid as Proof of Desertion

There is no consistent policy by Municipal Welfare Departments on the requirement of a charge being laid by the wife as proof of desertion. Nineteen departments have such a policy and seven do not. No trend in the data appears for provinces or for community size. The '19' to '7' ratio may not accurately represent the situation in Canada. For example, the following negative answers are so 'conditional' that some should be reclassified.

B.C.	No - Not for an initial S.A. grant, but usually for continuing assistance.
Manitoba	No - But this is needed if the situation is permanent - in order to refer for Social Allowances from Provincial Welfare.
Ontario	No - We do expect deserted wives to lay charges if husbands' whereabouts known; if he is employed, or receiving U.I.B.  No - Qualified - in that charge must be laid within two weeks after issuance of welfare.
	No - Charge of non-support may be required where there is some doubt that a desertion has taken place.
Saskatchewan	No - It is not a requirement but is generally needed. If there is a possibility of reconciliation, if husband is ill or alcoholic - non-support charges may be delayed or waived.
Alberta	No - This is used in some cases but not to prove desertion rather on a treatment and long term planning basis.

A number of comments were made of departments. These, and those above, seem to be more meaningful when considered in conjunction with the relevant section from the Provincial Welfare Department's review of this data:

B.C.	Yes - Hopefully, the laying of a charge by a client deters collusion.
Alberta	Yes - Non-support through Family Court since April 1967 or before handled by Family Court and Provincial Welfare Department.
Saskatchewan	Yes - This really depends on the case - in some, due to the size of the city, we know the family and realize it is hopeless.
Ontario	Yes - This is in accordance with the General Welfare Assistance Act.  Yes - If following investigation it appears that reconciliation not possible in near future. Spouse contacted if possible.  Yes - If a wife lays a charge, actual proof through court is shown, that she is separated.  Yes - Charges usually laid unless spouse is paying an equitable amount for the support of his family or his whereabouts are not known.

Should a Charge by the Wife be a Prerequisite for Public Assistance?

Only two respondents replied negatively and without comment to this opinion question. Fourteen expressed positive opinions but gave no elaboration. The remaining ten replies may be considered conditional although some were positive and some were negative. The qualifications included the following factors: spouse working or unemployed; possibility of reunion; if wife mentally unable; wife afraid of consequences; mental or emotional conditions of spouse. One respondent (Ontario) expressed the opinion that a charge should not be required to receive assistance unless it is on a continuing basis.

Departmental Assistance for Wives in Initiating Action against Husbands

Policies of Municipal Welfare Departments regarding assistance to wives in initiating action against their husbands appears to follow provincial lines or groupings.

This may be attributed to recent legislative changes in some provinces. There were three negative replies (no assistance granted) of which two did not include comments. Both the 'no comment' negative replies were from Ontario. The three replies in this category should be considered with a good deal of reservation since it is possible that the term 'assistance' was interpreted to mean either money or extensive family counselling.

The trends of the data by provinces is illustrated by the following:

- 1) All British Columbia respondents mentioned only assistance in terms of referrals to courts or policy.
- 2) Alberta responses seem to reflect new legislation:

Yes - We work very closely with the Court as we also provide F.C. counselling services. Referral and assistance with forms is arranged.

No - Referred to Family Court and Medecine Hat Family Service as of April 1967 or before - particularly since September 1967. Referred to Family Court and Medecine Hat Family Service who have helped with arrangements of the rehabilitation, C.M.C. have arranged up-grading education and educational training.

- 3) Both Saskatchewan responses make reference to free legal aid:

Yes - Mostly through information, referral to her lawyer without cost to her, casework and moral support when she is reluctant to take action.

Yes - Some legal fees paid for us by Department of Welfare.

- 4) Both Manitoba responses refer to legal aid:

Yes - we pay legal expenses (within limits) as well.

By going with them to police station and by paying legal fees via lawyer if necessary.

Yes - Referral to the City of Winnipeg Law Department to provide legal counsel.

- 5) Eleven of Ontario positive replies included comments in one or more of the three categories. Six respondents reported that referrals are made to the courts, six mention legal aid specifically and only one said that referrals are made for family counselling purposes. There would appear to be much more emphasis in Ontario Municipal Welfare Departments in completing arrangements for a permanent family disunity than in attempting to reconstruct family units.
- 6) Both Nova Scotia respondents mentioned financial assistance for legal fees.

Departmental Responsibility When a Maintenance Order is in Effect at Time of Assistance Application

One respondent replied that there was no departmental responsibility if a maintenance order was in effect at the time of an assistance application. Three respondents made no comment on the question.

Of the nineteen (excluding Alberta's two departments) remaining respondents who report responsibilities of their departments only one mention a type of assistance not related directly to the collection of money. This one response is as follows (British Columbia):

To assess the family's needs and supplement their requirements wherever possible, and provide family counselling to try to effect reconciliation.

In addition to the obviously different orientation of this response it is interesting to note that the same department reported data of very doubtful validity on the numbers of families and children assisted through the department.

The two Alberta replies may be considered together since both departments seem to rely heavily upon the Provincial Department as indicated by reactions to other questions:

Not applicable - would be Provincial.

If order obeyed and maintenance received and there is a financial need, Welfare Department would supplement the amount received as maintenance. If maintenance is not received a referral is made to Family Court.

Replies from the remaining five provinces (British Columbia, Saskatchewan, Manitoba, Ontario and Nova Scotia) may be placed in one or more of five categories. The five categories of responsibilities and their ratio are as follows:

- 1) 12 enforcements
- 2) 7 supplementation
- 3) 2 emergency assistance
- 4) 2 review order with review to increase
- 5) 1 department maintains weekly contact with court

The Number of Charges Laid in 1967; Acts Under Which Charges Were Laid; Court Orders Made, and Amounts of Court Orders

Eight of the twenty-six responding departments gave no information on the number of family desertion charges laid in 1967, the Acts under which charges were laid, whether or not orders were made, nor data on the amount of money involved. The eight non-responders to these questions and the number of departments returning questionnaires (in brackets) by provinces are as follows:

British Columbia	3	(3)
Alberta	1	(2)
Ontario	2	(14)
Nova Scotia	1	(2)

Since the available data are rather difficult to interpret, they have been placed in a table (IV) in order of city population size. The data should not be interpreted as indicating more than generalized trends.

MUNICIPAL WELFARE DEPARTMENTS BY CITY, POPULATION, NUMBER OF FAMILY DESERTION CHARGES AND ACTS UNDER WHICH LAID 1967. THE NUMBER OF ORDERS MADE AND THE AMOUNT ORDERED

City	Population	Charges laid 1967	Maintenance Act	Criminal Code	Orders Made	Amount Ordered
Toronto	1,881,691	537	N/A	N/A	347	23,529 (x)
Winnipeg	257,005	151	151	-	N/A	N/A
Hamilton	298,121	N/A	95(%)	5(%)	N/A	N/A
London	194,416	200 (E)	200 (E)	1 (E)	180 (E)	30,000
Sudbury	84,888	20	3	17	12	12,000
Oakville	52,793	47	35	12	40	N/A
Peterborough	56,177	131	92	35 (Y)	N/A	29,473
Timmins	29,303	N/A	45	N/A	19	1,916
Moose Jaw	33,417	N/A	all	-	N/A (Z)	N/A
Port Arthur	48,340	140	N/A	N/A	N/A	N/A
St. Thomas	22,983	60 (E)	60 (E)	-	N/A	N/A
Brandon	29,981	62	56	6	38	N/A
North Bay	23,635	12	-	-	8	8,320
Brockville	19,266	23	23	-	15	323 (W)
Penticton	15,330	90(%) (A)	90(%)	-	70(%)	(B)
Whitby	17,273	25	20	5	20	300-400 (M)
Medecine Hat	25,574	24 (C)	(F)	N/A	all	N/A
Amherst	10,551	5	5	-	5	N/A

A - refer to Table II  
 B - approximately \$25 - \$35. per child  
 C - 1966  
 E - estimate

F -	Maint. Order	7
	Non-support	10
	Prov. Order	1
	Domestic Rel.	10
	Recip. Enforcement	3
		—
Total		31

Wives Refusal to Lay Charges of Non-Support

During 1967, seventeen departments encountered cases of wives' refusal to lay charges of non-support against their husbands. Eight departments had no such experience and one respondent did not acknowledge the question. Fourteen comments on positive replies and one on a negative reply give some insights into departmental operations. The single negative comment should perhaps be positive since the only cases in which the wife refused to lay a charge were later reconciled. Some of the remaining positive replies may also represent the same situation.

Eight welfare departments encountered a total of thirty-two instances of refusal by wives to lay charges against their husbands. Twelve of those were ultimately refused assistance - presumably because the wife would not co-operate in laying a charge. A ninth respondent reported approximately 110 to 120 cases of which some charges were laid but later withdrawn. Of the 110 to 120 cases seven were referred to a Board for approval. The respondent, from a city of population 29,981, stated that the majority of wives refuse to lay charges because, "of fear of reprisal and inadequate police support".

In addition to the reason for non co-operation given above there are a number of other reasons stated:

- 1) 3 possibility of reconciliation
- 2) 2 collusion
- 3) 2 fear on part of wife (in addition to that mentioned above)
- 4) 1 divorce action initiated
- 5) 1 unsatisfactory prior experience with the court
- 6) 1 fear that detrimental evidence (infidelity, etc.) would be revealed

It is interesting that point six is the first reference made in this review to the possible innocence of husbands or justification of their position.

The available data seems to show a relatively small desire on behalf of departments to assist the husband to better meet his obligations. The review also seems to point out a massive movement or action to make the unfortunate characters (husbands) even more miserable and inept through harrassment and other means.

Should the Municipal Departments of Public Welfare, Rather than the Wives Assume Responsibility for Laying Charges of Non-Support?

Alberta is the only province showing unanimity on the question of departmental responsibility to lay charges on behalf of a deserted wife. Neither of the respondents thought the responsibility should be absolute but that it should depend upon the circumstances of individual cases. This is an action permitted under the Alberta legislation.

Fourteen of the respondents expressed the opinion that the responsibility should not rest with the department, five thought it should, and seven thought that the responsibility should rest with the department under somecircumstances.

Only one respondent (Ontario) mentioned specifically that broader authority should be accorded municipal departments under the Act. The reasons given to substantiate expressed opinions are as follows:  
YES:

- 1) 3 When action by wife directly might be prejudicial to possible reconciliation.
- 2) 2 Wife would then fear reprisal.

QUALIFIED:

- 3) 4 Each case considered on its merits.
- 4) 1 If wife does not want to do so.

NO:

- 5) 1 In many instances wife will not appear in court to substantiate charges laid by an agency.
- 6) 1 a) Because many alleged instances of family desertion are, in fact, collusion.
  - b) The deserted wife should have no compunction about laying a charge if she is deserted.
- 7) 1 But broader authority should be given under the Act (Ontario, as mentioned above).
- 8) 1 Only the deserted wife has the existence to support a charge.
- 9) 1 Wife's responsibility (not the department's).

Should Other Agencies Assume the Responsibility to Lay Charges?

The reluctance to express an opinion on whether or not alternative agencies should have a responsibility to lay charges on behalf of deserted wives seems similar at both the Provincial and Municipal Welfare Department levels. Eight of the twenty-six respondents simply ignored the question while one replied that he did not know. Two others mentioned the family court and/or Provincial Welfare Departments although the intent of the question as posed did not intend these agencies to be considered as alternatives. A British Columbia respondent suggested the Provincial Welfare Department and an Alberta reply mentioned both the Family Court and Provincial Welfare as suitable additional agencies to have the responsibility of laying charges.

Four respondents suggested the Children's Aid Society as an appropriate agency to lay charges, the Family Service Agency was suggested once. One respondent thought that the City or some other Government Body should "really" lay charges because they "are paying in the interim".

Do Departments Provide Financial Assistance when Court Order Payments are Delayed or Defaulted?

All reporting departments assist deserted wives when court order payments are delayed or defaulted. Five comments were also given and show that such payments require an assignment in favour of the department. The two Saskatchewan replies may be somewhat different:

Saskatchewan:

Yes - Wife declares income and assistance is adjusted as applicable.

Yes - On a repayable basis.

Should the Onus of Collecting Support Be Removed from the Deserted Wife?

Sixteen respondents agreed that the onus of collecting support should be removed from the deserted wife. Six replies were negative and four were conditional. These tabulations probably reflect the general opinion of respondents rather than the accurate relationship among the three possible answers.

Some of the comments, for example, may be statements of policy rather than opinions. Two Ontario replies are illustrative:

Yes - The onus has been removed from the deserted wife as collection is in the hands of the court.

Yes - Very few continue payments direct to wife.

A number of different reasons were given in support of stated reasons. Since the variations may be important to the Council project they are included with minimal categorization:

YES:

- 1) 7 Should be the responsibility of the court.
- 2) 3 Wives not equipped to collect money.

- 3) 1 Should be the responsibility of the Welfare Department.
- 4) 1 Easier to control the amount, times of payment, and justice.
- 5) 1 When there is evidence of compatibility.
- 6) 1 When there is hope of reconciliation.
- 7) 1 Wife should not be required to appear in court more than once.

CONDITIONAL:

- 8) 1 When collection of support by the wife might be prejudicial to reconciliation.
- 9) 1 If wife capable.

NO:

- 10) 1 Generally collection should be the responsibility of the wife.
- 11) 1 Some wives no longer interested in maintenance orders once they receive assistance.
- 12) 1 Causes additional marital friction which reflects upon the children.

Is the Full Face Value of a Maintenance Order, or the Amount Actually Received Considered as Income in Determining the Amount of Public Assistance Payable to a Deserted Family?

It appears that the amount of public assistance actually received by a deserted wife is based upon the amount actually received under the court order rather than the face value of the order.

The following comments seem pertinent and warrant direct quotation:

Alberta: Budget and Decision sheet requested by Central Office. Department of Public Welfare, Edmonton Alberta must show maintenance received and this is deducted from Welfare allowed.

Saskatchewan: The amount of the Court Order is considered in the initial granting. The amount she actually received is considered when she reports the difference and her assistance is adjusted up or down.

Ontario:

In 99% of the cases, the court is taken into our office as a full credit, full welfare is issued to the deserted wife.

Monies received through maintenance payments are deducted from a Family Budget in accordance to the General Welfare Assistance Act.

Not too pertinent in our cases. Deserted wives receive full assistance from our debt.

A monthly budget is set up and issued less any maintenance payments made by husband. In most cases we get an assignment whereby payments are sent by the Court to our Dept. This results in no hardship to the deserted wife if husband's payments are in default.

Full amount is received by wife and most show as income but when we have provided assistance, we do not expect to be reimbursed.

Covered by C.W.A. regulations.

Existing Regulations provide that all income from maintenance orders is to be deducted from the family's welfare entitlement.

Does Your Department Supplement Orders When They Are Paid By The Deserting Husband But Do Not Meet Total Family Needs?

All departments except one reported that they supplement court orders if necessary. The exception, a small Ontario city, offered no explanation.

The following comments may be worthy of note:

Alberta:

Yes - This is the usual case - but we don't have too many as frequently by that time the wife would be receiving a Prov. Social Allowance.

Saskatchewan:

Yes - The majority of the Court Orders in this region are woefully insufficient to support the wife and children. They could, generally, be said to be only "token payments".

Manitoba:

Yes - In most instances they are not nearly adequate and in many cases the man could not possibly supply enough even if he were trying to.

Ontario: Yes - Orders are supplemented up to the actual amount of welfare the family would receive if there were no court orders.

If Payments Under A Court Order Are Defaulted Can Legal Action Be Taken To Transfer Payments Under The Order From The Plaintiff To The Welfare Department

Neither Saskatchewan respondents gave a positive reply to the question on the transfer of payments from Plaintiff to the Welfare Department. One, however, added that there have been instances of voluntary assignments of this nature.

One Alberta Department reported that transfer can be effected with the approval of the deserted party. The other Alberta respondent replied that his department does not carry out the transfer procedure but that the Provincial Welfare Department does.

The Ontario respondents agreed that transfer of payments to the Welfare Department is possible though seldom carried out. They also appear to have some doubt as to the legality of the transfer procedure:

Ontario: It is possible but we have not done so.

Yes - The applicant signs an assignment order as provided by our office and a copy sent to Family Court.

Yes - By assignment with approval of wife.

Yes - Done by assignment through Family Court.

No - Only through an assignment which is not legal by law.

Departmental Assistance For Wives in Collecting Maintenance Orders

Thirteen departments report that they do not assist deserted

wives in the collection of maintenance orders. A number of the comments accompanying negative replies are as follows:

British Columbia: No - Payments are made to the court.  
If in default, court takes action.

Manitoba: No - Except UIA legal representatives

Alberta: No - Service provided by court officials.

No (not since Sept. 1967 or before). Referred to Family Court or Supreme Court or City Police or R.C.M.P. in attempt to locate husband, clients have been assisted in writing to husband in regard to reconciliation etc., maintenance etc.

Replies to the question on departmental assistance to wives in the collection of payments may be misleading since the term "assistance" appears to have been interpreted differently among the respondents. In some instances referral or counselling seems to have been excluded from the definition while other departments have reported assistance in the form of referrals to lawyers, or Family Court Clerk. The following replies seem to illustrate this point:

No - We refer to the lawyer and the Court through the wife.

Yes - We assist them by referring them to the Justice of Peace telling them how and when to appear in Family Court, visiting them to get their views of their case, so we might be prepared for Court.

Yes - If application for assistance is accepted we establish husband's income and expenditures and proceed with further Court action where applicable. If not eligible for assistance is advised why and referred to legal aid or her lawyer.

Maintenance Payments Assigned To The Welfare Department By The Courts, 1967

Twelve departments, of which five are in Ontario, were not assigned maintenance payments by the Courts in 1967. A British Columbia respondent didn't know whether or not such assignments had been made. Of the fourteen departments that were assigned maintenance payments in 1967 five could give no information as to how extensive this role is, one respondent stated simply that in all cases of family desertion an assignment is made by the Courts to the Welfare Department. According to Table II this caseload would be approximately 600 families. The Nova Scotia department reported that there were two assignments but gave no additional information.

The five remaining respondents did reply more fully and their data are set out in Table V.

TABLE V

MAINTENANCE PAYMENTS ASSIGNED TO MUNICIPAL WELFARE DEPARTMENTS BY THE COURTS, 1967: POPULATION OF CITIES, NUMBER OF CASES, AND THE AMOUNTS ASSIGNED.

City Population (Thousands)	Number of Cases	Amount Assigned
194	170	25,000
29	29	10,438
23	1	520
19	5	290
17	10	3,205

Where Should The Court Order Payments To Be Made By The Husband When the Deserted Family Is In Receipt Of Public Assistance.

Respondents were requested to indicate which, in their opinion was, the most suitable to receive husband's payments: the deserted wife,

the Welfare Department, or the Court. Some expressed opinions were conditional but seem to follow a distribution as follows: pay the court (4), pay to the Welfare Department (6), and pay the deserted wife (4).

The following quotations reflect the opinions of the respondents:

Pay the Deserted Wife:

Deserted wives for economic reasons seem to move frequently. This results in payments if they are rendered to a court, to go from one court to another with inevitable delays.

The deserted wife - The problem here lies in that the wife will not always reveal the payment.

Pay the Court:

It is our opinion that an order made in court should be followed up by the court rather than have some other agency involved in the collections. This would only lead to duplication and confusion. In some cases, probation is also ordered and the deserter would need to be in touch with the court for this reason.

The court - For easy follow up and availability when necessary to bring defaulting husband back into court.

The court - Defaulting husbands would be less likely to miss payments if they were aware that court action for default would be automatic.

The court - the authority of the court impresses the deserting parent.

The court - During the past year this system has eliminated many problems.

Pay the Welfare Department:

Public Welfare Authorities - through assignment by the wife. Makes for continuity of income with no over-payment.

Public Welfare Authorities - Then the deserted wife would receive the full amount of public assistance and would not be responsible for collection of the arrears.

Public Welfare Authorities - This would eliminate misunderstandings and misrepresentations. Monies received should be made payable to deserted spouse and only F.W.D. to welfare depts.

Conditional:

This would depend on the circumstances and the maturity and reliability of the 2 spouses. Normally, we favour payment through court or welfare authority to ensure the receipt of payments.

The deserted wife - qualified - in that certain cases should be assigned to Welfare Dept. if there is difficulty or delay in regular payments.

Advantages And Disadvantages Of Ordering Payments Paid To A Third Party

Ten respondents believe there are advantages in having maintenance payments made to a third party while seven thought there would be disadvantages (one respondent gave both advantages and disadvantages). Two respondents stated simply that there would be no advantages and another thought the advantages would be negligible.

Replies fall into categories as follows:

Advantages:

- 1) 4 A regular income assured for the wife.
- 2) 2 Administrative ease and/or less expensive in the event of default.
- 3) 1 Wife less liable to be "flim flammed" into making deals.
- 4) 1 No overpayments go to wife.
- 5) 1 Easier enforcement re show cause.
- 6) 1 Some wives just cannot handle money for various reasons.
- 7) 1 Less friction between husband and wife.
- 8) 4 Negligible or none.

Disadvantages:

- 9) 3 Deserted wives move frequently so a third party assignment would be administratively more difficult.
- 10) 2 Tends to remove husband from family picture. Detrimental to chances of reconciliation.
- 11) 1 All responsibility removed from wife.

The Recoverability Of Assistance Grants From Deserted Wives

The question of whether or not assistance grants are recoverable from deserted wives is an issue that more sharply divides the responding Departments than any other point included in this review. Twelve Departments reported that grants are recoverable under one or more circumstances and eleven departments reported that the grants are not recoverable. One respondent (A Supervisor of Social Assistance) said he did not know what the procedure is in his department. In two other instances (A Director of Social and Family Services and a Welfare Administrator) the question was simply ignored.

It is also interesting to note that both Saskatchewan Departments concerned replied positively to the question and that both Nova Scotia respondents replied negatively.\*

Fraud is the main single factor that classifies an assistance grant as recoverable. In the available data fraud was mentioned by six departments but probably rates much higher. Several other reasons were

\*While this is interesting and perhaps significant it should be interpreted with caution. There are, for example, more negative replies from Ontario than from Nova Scotia. There are also more positive replies from Ontario than from Saskatchewan.

also stated as indicating a recoverable grant. These additional reasons were mentioned only once each and are as follows:

- 1) property sold
- 2) property lien
- 3) if home is owned (remote possibility)
- 4) depends on dates of grant and reuniting of couple
- 5) where loan made in advance
- 6) in certain cases if large payment is made (by whom?)
- 7) collusion
- 8) if on repayable basis.

Security Taken From The Deserted Wife To Ensure Eventual Repayment Of Assistance Grants

Only two departments (other than Alberta) indicate that their policy permits security to be taken from a deserted wife to ensure eventual repayment of assistance grants. This can occur (or has occurred) in Manitoba where a lien may be placed on property if there is joint ownership. The same departments reported Item No. 5 in the previous section of this summary. One other department (Ontario) adheres to the policy of taking security from the deserted wife but gave no details.

In the Province of Alberta these matters are handled through the Provincial Department where specific guides are available.

Special Investigation Units of Municipal Welfare Departments

Three departments, all in large Ontario cities have special Investigation Units to deal with cases of family desertion. Their

duties have been defined as follows:

- 1) To locate/contact spouses/husbands/putative fathers.
- 2) possible reconciliation
- 3) Establish a court order/prepare material for court hearing.
- 4) Follow-up on maintenance orders.
- 5) Investigate possible common-law unions.
- 6) Investigate collusion.
- 7) Investigate fraud.
- 8) Investigate special requests from H.O., Provincial Government, etc.

Four other departments report the availability of investigation services. One of these four departments uses the investigation unit of one of the major cities mentioned above, and three use their Provincial Departments. The conditions or terms by which small municipal departments can avail themselves of the Provincial investigation services has not been explained. Nor is there any indication that other small departments do or do not use their Provincial Departments. It should be noted that this was not the point covered in the questionnaire item.

The Availability of Services To A Deserted Family To Locate Deserting Spouse For Purposes Other Than A Charge Of Non-Support

Six respondents expressed the opinion that services should not be made available to deserted families to locate the deserting spouse for purposes other than a charge of non-support. There is no available elaboration of this stand but it may reflect economic factors and the lack of sufficient staff or adequate trained staff.

The purposes and responsibilities of such a service are perceived similarly in all parts of the country: reconciliation, counselling re debts and other problems, investigation, casework, and enabling (husband?) to face legal responsibility. The following three quotations are typical:

Yes - To assist the family in reconciliation, counselling re debts and other problems to strengthen the unit.

Yes - It might help a separated or deserted family unit back together, if the personalized services were available.

Yes - Reconciliation is the operative word. Also it is not always desirable for children to sever contact with the father.

Although a minority, there are persons placed highly in municipal welfare departments who have a different orientation while asserting that special husband finding services should be made available to the deserted wife:

Yes - Reconciliation is unlikely but we should have the opportunity to speak to husband prior to court proceedings.

Yes - Possible reconciliation but what is more important is the facing of legal responsibility.

Eleven respondents ignored a request for suggestions as to who should provide the special services to locate the deserting husband. The fifteen replies which were received covered almost the total range of possible sources of assistance:

- 1) 8 Departments of Public Welfare (Province)
- 2) 6 Courts

- 3) 2 Family Service Agencies
- 4) 2 Municipality
- 5) 2 Police
- 6) 1 Relatives
- 7) 1 Agency Providing the Aid.

What Responsibilities Should The Wife Assume In Locating Her Husband?

Everyone seems to agree that some responsibility for locating her husband does rest upon a deserted wife. There were responses from all departments, except three, and the near unanimous opinion is that the wife's role is simply to supply the maximum possible amount of truthful information to investigating authorities. One respondent said the wife should make minor local enquiries while another stressed the responsibility of the wife to lay a charge against her husband.

Welfare Department's Relationship With The Court

Nineteen of the responding welfare departments report that their relationship with the court is good. In describing the relationship department officials use words such as good, excellent, close, positive and very pleasant. The replies indicate, however, that the meaning applied to good department - court relationship varies widely from situation to situation and would appear to have little bearing to what one might term a constructive relationship - constructive in that it serves best the interest of all members of the families concerned and takes cognizance of the fact that husbands are also members of families.

It would appear that the numerous positive replies should be accepted with some reservation and subjected to much closer scrutiny

than is possible in this review of data. The following quotations seem pertinent:

We attend all court settings, discuss cases with Court Clerk and deserting husband - often results in consent order or reconciliation.

Positive - where feasible the social researcher will attend the court case with the deserted wife--this seems to give her courage and seems to make both lawyer and judge happier knowing our interest.

Primarily positive although we feel the Court Orders are frequently biased in the husband's favour. We would like to have a Family Court instead of our present Magistrate's Court facilities.

We meet with Judges and senior staff 3 or 4 times a year to discuss our problems. Our workers attend court on all welfare cases. We are notified of any action court takes in enforcing orders.

All legal action is conducted with the Family Court through the City Legal Dept. acting on behalf of the Public Welfare Dept. (Man.)

Very loose and informal and quite negative - as desertion charges are usually handled via a JP etc. and \$5.00 constitutes support etc. (Man.)

At present our dept. is not represented in Family Court - it is strictly between the deserted wife and Family Court. As to our relationship, it could be considered average.

Our relationship with the Court is primarily positive and good. The W.C.M.A. should perhaps be revised and given some teeth (B.C.)

Most of our dealings are with the probation officers who screen those attempting to lay non-support charge. Often he refuses, relations strained at times.

Relationship with our court is excellent. Primarily positive. We sometimes feel that maintenance orders are not enough. However, we should not criticise a judge's wisdom.

None of the reporting departments has a formal (written) agreement with the Courts for service in the area of family desertion.

An attempt was made to follow-up further on the question of department - court relationship. Respondents were asked to express an opinion as to how the working arrangements between the welfare departments and the courts could be improved. It seems noteworthy that twenty-six senior persons from municipal welfare departments did not produce a large number of constructive suggestions for the improvement of professional working relationships in a field such as family desertion. A field in which everyone of the respondents have themselves expressed dissatisfaction. Six of the respondents report that in their opinion nothing can (or needs to be) changed, six persons simply ignored the question. Most of the replies received do not deal with the question as posed.

The reluctance or inability of senior welfare personnel to reply to this question is in itself a factor of some importance unless we must conclude that much stronger enforcement of court orders (by the courts) or establishment of additional courts are acceptable solutions. Perhaps there is no room for improvement or maybe one should really do nothing that might be interpreted to "...criticize a judge's wisdom" (see last quotation above).

"What, in your view, could be changed or done to make the department - court relationship more effective?"

Everything is fine here but conditions may be bad elsewhere:

Not in this region as we enjoy a close working relationship. (B.C.)

Not directly with our Court - other courts are not co-operative - needs uniform operating procedures for all courts.

The law should be changed:

New legislation for enforcement of Court Orders with adequate staff criminal charge against proven deserters. (Ont.)

Revision and amendment to W.C.M.A. (B.C.)

Relationships with courts or additional courts?:

A Family Court would help we believe. (Sask.)

A special Family Court section is needed in this small city. (Man.)

The difficulty in our relationships with the court lies in the fact that they (the Courts) do not enforce orders:

Stiffer maintenance orders and less leniency with defaulters.

Enforcement by court of all maintenance orders whether under family court or child welfare.

Court to follow through on payments of orders and immediately institute legal action in case of default.

If the courts had more time to issue Show Cause charges and were able to enforce their decision.

In regard to desertion, I believe that after a certain period (probably 3 months) the Family Court could attempt to be more forceful in procuring maintenance - if not received after each 30 days of non-payment of each payment required by Family Court.

Every court should have a social worker on staff:

Should be a Social Worker attached to all Family Courts.

What is needed is a change of attitude on the part of court personnel in addition to more professional staff in the welfare departments:

More social workers, smaller caseloads, would help in maintaining better liaison with the court.

Have probation interview with deserted wife. If she agrees to lay a charge but probation people think this inadvisable, have them notify Welfare Department. This then would allow workers to attempt reconciliation. Prov. Dept. of Welfare should also accept probation letter.

#### Legal Assistance Through Welfare Departments

Replies to the question, "Do you have arrangements to Provide Legal Assistance for husbands and/or wives in Family Desertion Cases", elicited a number of comments that appear to invalidate a tabulation of "yes - no" answers. Nonetheless the tabulation of answers may provide some indication of official thinking or attitudes by senior department personnel. Table VI gives replies of the twenty-six respondents.

TABLE VI

TABULATION OF REPLIES FROM SENIOR MUNICIPAL WELFARE DEPARTMENT PERSONNEL TO THE QUESTION "DO YOU HAVE ARRANGEMENTS TO PROVIDE LEGAL ASSISTANCE FOR DESERTED WIVES AND/OR DESERTING HUSBANDS".

	Arrangements	No Arrangements	No Reply	Total
Husbands	8	12	6	26
Wives	18	8	-	26
Total	26	20	6	

A closer examination of the replies to this important question appears to reveal important trends in services actually (rather than theoretically available to families in desertion crises. Data for the Province of Ontario lends itself to further scrutiny than do those from other provinces. This situation should be attributed only to the factor of quantity of material available and not to an assumption that Municipal Welfare Departments in Ontario are any better nor any worse than those in other provinces. Due to the incompleteness of the data statistical tests are not appropriate and interpretations should not be in terms of inferences to Ontario as a whole nor to any other province. The following comments should be accepted only within the context of: 1) senior personnel of these agencies, 2) reacting to this question, 3) at this time, and 4) under these circumstances.

Table VII is a compilation of replies on the question of "arrangements" as taken from returned questionnaires of fourteen senior officers of Municipal Welfare Departments in the Province of Ontario. Column 1 shows the departments (or cities) by ranked distances from Queen's Park. Column 2 gives the cities in which the municipal welfare departments are located by population ranks. The City of Toronto is No. 1 in the table and is shown as first rank in Columns 1 and 2 - it is the largest city included in the table and is also the nearest to Queen's Park. Columns 3 and 4 (almost blank) refer to arrangements of legal assistance to wives and Columns 5 and 6 give the same information for husbands. Comments from the departments are included in Column 7.

TABLE VII

FOURTEEN ONTARIO CITIES BY POPULATION RANKS; DISTANCES FROM QUEEN'S PARK BY RANKS, AND REPLIES FROM SENIOR MUNICIPAL WELFARE DEPARTMENTS' OFFICERS TO THE QUESTION "DO YOU HAVE ARRANGEMENTS TO PROVIDE LEGAL ASSISTANCE FOR DESERTED WIVES AND/OR DESERTING HUSBANDS?"

Distance (Rank)	Population (Rank)		<u>Arrangements for Wife</u>		<u>Arrangements for Husband</u>		Comments
			No/Yes	Not Answered	No/Yes	Not Answered	
1)	1	1	Yes		Yes		Service pro- vided through Legal Aid op- erated by the Province and the Legal Fraternity
2)	2	14	Yes			x	
3)	3	7	Yes		Yes		Through Legal Aid - we will refer
4)	4	5	Yes		Yes		Refer them to Legal Aid after we explain court procedure
5)	5	2	Yes		Yes		Legal Aid free if financially unable to secure some for themselves
6)	6	10	Yes			x	Only through legal aid
7)	7	6	Yes		Yes		They may be refer- red to Legal Aid and this may be granted quickly if we recom- mend them.
8)	8	3	Yes			x	Through Provincial Legal Aid
9)	9	12	*	-	-	-	Legal Aid available in Ontario
10)	10	13	Yes			x	A deserted wife's referrred to our local legal aid office
11)	11	11	No		No		
12)	12	4	No		No		
13)	13	9	Yes		Yes		Ont. Legal Aid
14)	14	8	No		No.		

\*Respondent added a margin comment as follows: " Deserted wife to qualify for F.B.A. at present it is necessary to lay a charge to qualify for F.B.A. This forces many needless court cases".

The City of Toronto Welfare Department is shown as having an arrangement to provide Legal Services for both husbands and wives. This availability of legal assistance cannot be accepted as a factor alone of city size since much of the service is through the Province or the Legal Fraternity. A question immediately arises as to why four departments on the bottom half of the table did not answer affirmatively to the question as applied to deserted wives. Why, for example, should cities more remote from Queen's Park report that they do not have an arrangement for legal assistance to deserted wives? Are Provincial Welfare Department Officers not active in more remote areas of the Province? Do welfare officials in more remote (though not necessarily smaller) cities accept or understand the available services and their regulations to a lesser degree? If so, why? Are they less qualified to deal with human problems or are they primarily business administrators? Do they have a role in the affairs of the courts in regard to desertion?

It is interesting to note that cities numbered 11, 12 and 14 (no arrangement for wife) each reported positively to the previous question on department - court relationship. The following are quotations from their replies describing the existing relationship: very good under all circumstances; the relationship is good and we believe, positive and, positive - excellent co-operation received in flow of information. To the question of what might be done to make the department - court arrangements more effective one of these respondents said that nothing could be done. Another respondent ignored the question and the third replied, "new legislation for enforcement of court

orders with adequate staff. Criminal charge against proven deserters?" Would one be justified in assuming that there is a marked difference in the services made available to deserted wives residents in various cities in the Province of Ontario and further, that this difference is based, to a large extent, on the factor of distance from Queen's Park?\*

Replies regarding arrangements to provide legal assistance to deserting husbands are also noteworthy. In this instance only one of the seven more remote (from Queen's Park) departments reported arrangements for the provision of legal assistance to deserting husbands. Five of the seven departments located nearer to Queen's Park replied affirmatively to the question. One of these cities was, of course, the City of Toronto itself where advantage is taken of aid supplied through the Province. It is also interesting that the only three comments that referred to the clients as plural (them, themselves) are from the "closer" seven?

Perhaps replies to the question do not indicate the true situation so much as they show the respondents' perceptions and attitudes. If husbands are not thought worthy of assistance by local officials then assistance will not be given regardless of the legislation. If the attitude is one of punishment, then husbands will be charged regardless of the circumstances prevailing in individual cases. If qualified professional workers are not available then services of counselling and reconciliation will be severely restricted. If there is not adequate communication between central offices and the field then survies actually received will not be adequate no matter how progressive legislation is or becomes.

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\*See also Page 49

Tables VIII and IX Summarize The Data From Table VII

TABLE VIII

FOURTEEN ONTARIO CITIES BY RANKED DISTANCES FROM QUEEN'S PARK AND BY REPLIES FROM SENIOR MUNICIPAL WELFARE DEPARTMENT OFFICES TO THE QUESTION: "DO YOU HAVE ARRANGEMENTS TO PROVIDE LEGAL ASSISTANCE FOR DESERTED WIVES AND/OR DESERTING HUSBANDS".

Cities by Distance from Queen's Park (Ranks)	Wives			Arrangements For Husbands			TOTAL
	Yes	No	No Answer	Yes	No	No Answer	
1 to 7	7	-	-	5	-	2	14
8 to 14	3	3	1	1	3	2	14
TOTAL	10	3	1	6	3	4	

TABLE IX

FOURTEEN ONTARIO CITIES BY POPULATION RANKS AND BY REPLIES FROM SENIOR MUNICIPAL WELFARE DEPARTMENT OFFICERS TO THE QUESTION: "DO YOU HAVE ARRANGEMENTS TO PROVIDE LEGAL ASSISTANCE FOR DESERTED WIVES AND/OR DESERTING HUSBANDS".

Cities by Population (Ranks)	Wives			Arrangements For Husbands			TOTAL
	Yes	No	No Answer	Yes	No	No Answer	
1 to 7	6	1	-	5	1	1	14
8 to 14	4	2	1	1	2	4	14
TOTAL	10	3	1	6	3	5	

Table IX seems to indicate that trends in the data exist in terms of city population as well as in distances from a central point.

It is perhaps necessary to repeat that Province of Ontario data are used in the above discussion because there are more data available from that Province. One should accept as quite probable the existence of similar conditions in other parts of Canada. While the existance of such conditions cannot be demonstrated pro or con in this summary it is believed that a table of available findings would, nonetheless, serve a useful purpose. Table X is a summary of available material from the five additional Provinces.

TABLE X

REPLIES FROM SENIOR OFFICERS OF MUNICIPAL WELFARE DEPARTMENTS IN FIVE PROVINCES  
TO THE QUESTION: "DO YOU HAVE ARRANGEMENTS TO PROVIDE LEGAL ASSISTANCE FOR  
DESERTED WIVES AND/OR DESERTING HUSBANDS?"

Province	Number of Respondents	<u>Arrangements For</u>						Comments
		Wives			Husbands			
		Yes	No	No	Yes	No	No	Answer
B.C.	4	2	2	-	-	3	1	1) Legal Council can be obtained through the Legal Aid Society - a service of the Bar Association. 2) Referral to City Solicitor.
Alberta	2	1	1	-	1	1	-	1) A. Legal Aid through the profession. B. Family Court through Attorney-General's Department. C. Family Services.
Sask.	2	2	-	-	-	2	-	1) Some legal fees paid for us by Department of Welfare. 2) Provincial Welfare pay a fee for service on action under Dependent Wives and Childrens' Maintenance Act.
Manitoba	2	2	-	-	-	1	1	1) By reference of deserted wives to the City Legal Department to act on their own behalf. 2) We refer cases to lawyers and pay the costs within certain limits.
N.S.	2	1	1	-	1	1	-	1) Advise from, and appearance in court of the Town Solicitor.
TOTALS	12	8	4	-	2	8	3	

SPECIAL PROBLEMS IN ASSISTING DESERTED FAMILIES

Seven respondents perceived no special problems in assisting deserted families although one restricts the "difficulty free area" to financial concern. One respondent ignored the question. If at this point in the summary of data the Province of Ontario would permit one more comment it would be that its five negative responses occur on Table VII - "Distance From Queen's Park" in Ranks seven to thirteen (see Page 43).

The numerous suggestions, or parts thereof, made regarding special problems in assisting deserted families fall into a number of categories which are not mutually exclusive but may be of some value nonetheless:

- 1) 4 Child neglect - affects on children of fatherless home.
- 2) 4 Counselling
- 3) 3 Reconciliation
- 4) 3 Cullusion
- 5) 2 Casework with wife
- 6) 1 Research on the value of implementing W.C.M.A.
- 7) 1 Court Action (detrimental affects on possible reconciliation).
- 8) 1 Multi-agency involvement.
- 9) 1 Financing
- 10) 1 Housing
- 11) 1 Common-Law unions
- 12) 1 Rehabilitation of family

- 13) 1 Family desertion cases require too much staff time
- 14) 1 Continual moving of one or both parents
- 15) 1 Punishment of husband too lenient.

The following are direct quotations:

Ontario:

Yes - More counselling required in the hope of effecting a reconciliation. Referrals to other agencies such as Big Brothers or C.A.S. - because with no father in the home the boys in the family require a special attention.

Yes - Possibility of destroying reconciliation. As soon as Court action is instigated, both parties become more hostile toward each other. Some separations are for the purpose of getting family out of debt. If wife is granted assistance there are two incomes to look after debts.

Manitoba:

Yes - In most cases there is a definite or indefinite link with alcohol and mental disease. Counselling is important and often a complete change of location in cases where re-conciliation might work and the full use of AA facilities.

Alberta:

Yes - The whole area of being just to the applicant and flexible, and keeping the door open to reconciliation when possible. The problem when the husband claims we are breaking up his home, when it is the wife that leaves and requests assistance.

#### SOLUTION TO THE PROBLEMS OF ADEQUATELY ASSISTING DESERTED FAMILIES

This section overlaps considerably with the previous review of special problems in assisting deserted families. Respondents were asked to give their opinions on possible solutions to the outstanding problems posed by deserted families. One reply could not include suggestions for solutions because "we do not feel that deserted families present any special problems to our office". Two other persons ignored the question.

The available suggestions have been categorized as follows:

- 1) 6 Family counselling; household and family guidance; group counselling.
- 2) 4 Enforce laws.
- 3) 2 Low-rental housing; lower interest rates; adequate housing.
- 4) 2 More staff; smaller case loads.
- 5) 2 Day care centres; kindergarten; head-start programs.
- 6) 2 Single parent clubs.
- 7) 2 Deserter should be a criminal offence.
- 8) 1 Apply good social work principles.
- 9) 1 Use all applicable community resources.
- 10) 1 Divorce; reduce cost of divorce.
- 11) 1 Reconciliation
- 12) 1 Maintenance
- 13) 1 Jail sentences.
- 14) 1 More authority for Childrens Aid Society.
- 15) 1 More authority for Family Courts.
- 16) 1 Complete interprovincial co-operation between courts and law enforcement agencies.
- 17) 1 Stiffer court orders; recognition by courts of their prime responsibility to wife and children.
- 18) 1 Debts for personal pleasures (i.e., cars, boats), should not be considered in making court order.
- 19) 1 Place more responsibility on deserting husband.
- 20) 1 Big Brother Clubs.
- 21) 1 Adequate legislation; flexible procedures.
- 22) 1 Close liaison between Welfare Departments and courts.

The following are direct quotations of replies:

British Columbia:

Maintenance, reconciliation and divorce. The last is a social instrument which is used all too infrequently, possibly due to lack of funds. If divorce was less expensive, similarly, common-law unions and illegitimacy might be reduced.

Low rental housing would be a great help or, if interest rates were lower, the purchase of a home might be encouraged to ensure security of home environment. More family counselling with a view to re-uniting family.

Ontario:

Stiffer court orders and recognition of prime responsibility to wife and children--debts for personal pleasures--cars, boats etc. should not be considered in making orders. Also enforcement by court of orders made.

Decision of D.W.C.N.A. - desertion without cause should be treated as a criminal offense. With pension available, no further serious financial problems. We must be available to wife for advice and counselling.

I do not recognize that a problem exists in helping financially, there remains the problem of emotional strain that the deserted family suffers. The possible solution may be counselling by qualified personnel.

Nova Scotia:

Complete co-operation between the Family Courts and law enforcement agencies across the country to place the responsibility where it lies, with the deserting party.

DOES THE DEPARTMENT HAVE AUTHORITY TO LAY A CHARGE OF NON-SUPPORT

The few replies to this question are as follows:

British Columbia:

The power is there to do it. However, it is seldom, if ever, done.

Alberta:

This was a recent amendment to the legislation and it has only been used very occasionally. Recently the Judge asked why we don't use it more and this question is being explored with staff.

Saskatchewan:

We have not used this section of the Act and Regulations to date.

Ontario:

Except as Sect. 5 of the Deserted Wives and Children's Maintenance Act allows.

In both cases where the wife has been sick and unable to appear in court.

We insist on wife laying charge.



APPENDIX C.

PROVINCIAL WELFARE DEPARTMENTS:

A SUMMARY OF QUESTIONNAIRE DATA

Introduction

The following comments and data are based upon questionnaire returns from seven provinces: British Columbia, Alberta, Saskatchewan, Ontario, New Brunswick, Nova Scotia and Prince Edward Island. The available data should not be accepted as representative of Canada as a whole but are, nonetheless, sufficient to clarify many facets of the problem from the Provincial Welfare Department perspective. Of the three provinces not included in this review, the Province of Quebec may represent the only substantive differences from those data that are available. Data refers to the year 1967 unless otherwise stated.

Interpretation of this review should take cognizance of the manner in which the material has been gathered and the difficulty in defining terms. The data, having been gathered by mail questionnaire, should not be interpreted in too rigorous a manner. Not only is it difficult to operationally define constructs but it is even more difficult to induce respondents to accept unfamiliar and more precise definitions. Replies must be assumed to reflect, to some extent, definitions applied in individual departments for administrative purposes. Also, replies will depend upon the idiosyncrasies of available records. Replies to mail questionnaires are also subject to additional hazards such as a feeling by respondents that too much was being expected of them, the problem was not their concern, that the questions were irrelevant, and even, that no agency has a right to investigate the affairs of welfare departments. A number of quotations from questionnaire forms have been included in the summary.

The questionnaire addressed to Provincial Welfare Departments is the same as that used for municipal departments. Although it could be argued that the form was not ideal for this purpose the procedure was followed, at least partly, as a matter of expediency. The replies may have some additional value in that many of them indicate a different dimension or perspective to the same stimulus offered the municipal departments.

A number of questions refer to opinions of respondents rather than established policy per se. Opinions may be accepted as important since they reflect the orientation and beliefs of persons highly placed in Provincial Welfare Departments. Respondents for the seven provinces represented in this review have listed their official titles as follows:

- 1) Assistant Research Consultant
- 2) Programme Supervisor - Public Assistance Branch
- 3) Deputy Ministers (2)
- 4) Director of Family Benefits Branch
- 5) Deputy Minister of Welfare
- 6) Director of Social Research and Planning

#### The Incidence of Family Desertion

Family desertion is an acknowledged social problem in all sections of the country but varies somewhat in incidence from province to province. Available information does not indicate the number of instances of family desertion per se but the number of cases known to Provincial Welfare Departments. It may be assumed that the cases included in this summary represent the incidence of family desertion in the lower socio-economic sections of the population -- the cases in which the wife requested financial assistance or in which she brought her problem to the attention of legal authorities.

Table I shows the relationship among provinces, the number of welfare cases and the number of welfare cases that are categorized (provincially) as family desertion.

TABLE I\*

Province	Population 1966 (thousands)	Welfare Cases 1966	1967	Family Desertion Cases 1966	1967	Totals
B.C.	1,947	N/A	102,547	N/A	16,086	**
Alta.	1,490	17,229	20,756	N/A	N/A	
Sask.	958	45,235	45,155	N/A	N/A	
Man.	963					
Ont.	7,149	24,820	54,288	2,215	4,323	
Quebec	5,868					
N.B.	620	82,100	106,000	N/A	N/A	
P.E.I.	109	N/A	N/A	81	74	
N.S.	757	5,294	5,936	370	520	
Nfld.	500					
<hr/>						
<b>TOTALS</b>						

\* N/A - information not made available by respondent.

Blank spaces - non-responding provinces (to date)

\*\* Includes a large but unspecified number of duplications.

#### FAMILY DESERTION: AN ITEM IN PROVINCIAL AND PROVINCIAL WELFARE DEPARTMENT BUDGETS

Table II depicts family desertion as a budgetary item by provinces and in relation to both the total provincial budget and the amount of assistance given by Welfare Departments.

TABLE II\*

Province	Provincial Budget 1967 (millions)	Assistance to Welfare Cases		Assistance to Deserted Families	
		1966	1967 (millions)	1966	1967 (thousands)
B.C.	550	34,144	37,373	N/A	N/A
Alta.	532	27,454	31,819	N/A	N/A
Sask.	289	21,327	21,438	N/A	N/A
Man.	237				
Ont.	2,074	34,743	81,573	339	553
Quebec	2,072				
N.B.	146	5,299	8,374	N/A	N/A
P.E.I.	31	N/A	N/A	N/A	N/A
N.S.	183	3,497	4,870	320	488
Nfld.	143				

\*N/A - information not made available by respondent  
 Blank spaces - non-responding provinces (to date)

#### Children in Deserted Families

Available information regarding the number of children in deserted families and the number of deserted families with children illustrates the variation between the definition of family desertion as applied by the provinces and that used for the study. Available data probably also reflect differences among the provinces themselves. The presence or absence of children is not the only variation found in the term 'family desertion'. All cases considered from the Ottawa Welfare Department included at least one child eighteen years of age or less. Nonetheless, of the cases accepted by that department as family desertion,

approximately seven percent could not be so categorized in the more precise definition employed for this study.

Table III illustrates the problem of operationally defining concepts when data are drawn from previously existing sources. The Table shows the number of 'deserted' families assisted for each province in relation to numbers of children. Table III should be read in conjunction with Table I.

TABLE III\*

Province	Deserted families by number of children					Totals
	1	2	3	4	4	
B.C.	N/A	-	-	-	-	-
Alta.	N/A	-	-	-	-	-
Sask.	N/A	-	-	-	-	-
Man.						
Ont.	364	556	498	342	426	2,186
Quebec						
N.B.	N/A	-	-	-	-	-
P.E.I.	N/A	-	-	-	-	-
N.S.	N/A	-	-	-	-	-
Nfld.						
Totals						

\*N/A - information not made available by respondent.  
Blank spaces - non-responding provinces (to date)

#### Types of Assistance Available to Deserted Families

Every reporting province indicates that a wide range of services are available to deserted families. In addition to four specified areas:

casework, legal assistance, rehabilitation and information, a number of departments included additional available services.

Q: What other services, if any, do you provide to these (deserted) families?

Health and Dental Services.

Travel costs for social or health reasons.

Deserted families receive same services as two-parent families.

Assistance in cash or kind.

Assistance in locating spouse; where mother is receiving financial assistance.

These services are offered through the use of direct resources within the department and indirectly through other private and government agencies in the community.

Limited assistance in above categories.

Maritime Medical Care Plan - Provides coverage for recipients and their dependents to receive free medical services in the home, in a doctor's office, or in a hospital, also one eye examination every two years.

#### The Evolution of Policy within Provincial Welfare Departments

All provinces, except one, reported that there had been policy changes within the past five years. Four of these departments reported that changes had occurred within the past year. The lack of a positive reply by one province should not be interpreted as representing a regressive attitude since that particular province is widely recognized as a leader in the field of social welfare.

Replies to a request for elaboration of policy changes follow:

Q. What changes in policy (eg. to accept deserted families for assistance, to amend directives to staff manuals etc.) have occurred during the last year?

Family and Children's Court Act, 1963 gave a greater degree of responsibility for family matters including desertion thus greater services by court and probation in maintenance actions.

Prior to April 1, 1966, the legislation made provision for the granting of assistance to a deserted wife whose husband had deserted her and the desertion had been in effect for

at least one year prior to application for assistance. The whereabouts of the husband had to be unknown. After April 1, 1966 assistance could be paid to a deserted wife where  
(a) Husband's whereabouts unknown and the desertion period in effect for 6 months prior to application.

It is no longer required that the husband's whereabouts be unknown.

All are now considered under Canada Assistance provisions and treated on basis of need.

#### Residence Requirements

None of the reporting provinces stated that there were residence requirements to be met before assistance may be granted. One province added that the recipient must remain in the province while in receipt of assistance. This may also apply for other provinces but was not one of the factors investigated in the study.

#### Waiting Period between Application and Eligibility for Assistance

None of the reporting provinces requires a waiting period between the application for assistance and the provision of assistance. There are, however, variations in specifying the 'date of application'. Information is not available for all provinces but one reports that the 'application date' is that on which the completed application is received in the main office - unless Municipal Assistance is received. Another province reports that there is no mandatory waiting period between application for and provision of services but that the wife must have been deserted for a period of at least three months for the application to be eligible for consideration.

Theoretically (according to available responses) the problem of a mandatory waiting period between application and granting of assistance cannot arise. Operationally, however, there may be difficulties particularly in cases of emergency.

A Charge Laid at Proof of Desertion

Provincial Welfare Departments vary in their policies on whether or not a charge is required as proof of desertion. Only one of the seven provinces answered the question with a categorical 'no'. One province said 'no' but that a charge might be required. Two provinces answered 'no' but included conditions which, in turn, raise a number of questions about what actually occurs. One of these replies indicates that although the answer is 'no' - that a charge is not required - the wife is advised to lay a charge to determine the amount of assistance actually available from the husband.

Q. Does your department require a charge of non-support to be laid as proof of desertion?

No - Referral to Family Court is compulsory where no arrangement has been made between husband and wife in the matter of his support of the family; emergent assistance may be issued pending this action.

No - Charge of non support is not requested to determine eligibility, however, recipient is advised to lay charge to determine if support from husband can be obtained.

Yes - Exceptions are made when the whereabouts of the husband is unknown and when the husband is receiving social assistance.

No - Reasonable efforts to secure support should be made, which might include charges.

In every case in which the grant of assistance is dependent on proof of desertion of the husband from the home, a summon statement of desertion must be submitted. If, the whereabouts of the husband are known, the wife, must have applied for a Court Order for a Maintenance Order under the Wives and Children's Maintenance Act and the wife has taken reasonable steps to have a Court Order enforced.

Proof of desertion can take a form other than a charge against the husband. The province in which a charge is not required (according to the returned questionnaire) as proof of desertion, replied positively to the

question - Is any other proof of desertion required? The reply indicated that the court proceedings were accepted as proof. If, therefore, court proceedings are required in that province as a proof of desertion, then it follows that the wife or an agency must lay a charge. Whatever agency must be involved it appears evident that a charge is required and that it is a prerequisite of assistance. Furthermore, the provincial legislation supports this thesis despite the reply from the provincial department.

One of the other provinces replied that an application for assistance is a statutory declaration. An application substantiates who is living at home. Although this is a point raised by only one province, it may apply in most or perhaps all other provinces.

Two provinces stated that a 'personal stipulation' is acceptable on proof of desertion.

#### Should a Charge by the Wife be a Prerequisite for Public Assistance?

Replies to the question of whether or not the wife should be required to lay a charge against her husband as a condition for public assistance, indicates the opinion of respondents rather than existing conditions in the various provinces. Within that context the question is interesting (and perhaps valuable) since it reflects the opinion of persons highly placed in the provincial welfare hierarchy.

Four respondents replied 'no' and three replied 'yes'.

Q. Do you agree that the deserted wife should be responsible to lay a charge against her spouse as a condition to receive public assistance?

No - Except where voluntary efforts to have him assume this responsibility have failed; a worker may initiate action in Family Court if the woman will not do so, or if the taking of such action by the woman would further jeopardize the marital situation.

Yes conditional:

Reasonable efforts to secure support should be made, which might include charges.

Departmental Assistance for Wives in Initiating Action Against Husbands

All reporting provinces assist wives to initiate action against their husbands although it appears that in some instances the assistance may be restricted simply to advice or referral to another agency.

Q. Does your department assist deserted wives to initiate action for support from the deserting husband?

Yes - By information, casework service, and referral by Family Court when appropriate. In occasional cases legal counsel provided through provincial Attorney General's Department. City prosecutors available in municipal areas.

Yes - By helping the deserted mother to locate her spouse, if his whereabouts are not known; and by referring the deserted mother to Family Court.

Yes - By providing financial assistance for legal aid where recipient desires to prosecute and lacks financial means.

Yes - Through the Family Court.

Yes - Applicant is advised of procedures to be followed and is sometimes accompanied to Court.

Yes - Legal assistance available if on assistance or not.

Departmental Responsibility When a Maintenance Order is in Effect at Time of Assistance Application

Six of the seven reporting provinces accept responsibility (of varying types) even though a maintenance order is in effect at the time an application for assistance is received. The sixth respondent (a deputy minister) did not answer the question as asked, but did comment that the department had no responsibility for enforcement.

It would appear that all responding provinces do, in fact, accept some responsibility.

- Q. If a maintenance order is in effect at the time of application for assistance, what does your department see as its responsibility?

If maintenance sufficient, department responsibility is as for all other services, i.e. Family and Child Welfare Services etc. If maintenance insufficient, assistance in returning to court when appropriate and supplementing of maintenance by Social Assistance.

Investigate if payments being fulfilled and if not provide necessary aid.

To determine whether the applicant wishes to have this maintenance paid directly to her, or to this department; to ensure that the husband complies with the terms of the order.

Allowances determined by needs test. This determines if maintenance funds inadequate and would be supplemented accordingly.

Wife takes reasonable steps to enforce payment if payment not made. If she could take such steps and doesn't we charge the cost against her budget. If receiving maintenance which is less than budgetary requirement, we supplement to 70% of the deficit.

To see that maintenance is properly paid. Our department provides the deserted wife with the gross amount of assistance and recovers from the courts payments made by the husband.

No responsibility for enforcement.

#### How Many Charges of Desertion were Laid in 1967

Only one of the seven responding provincial departments of welfare could offer information on the number of charges of desertion that had been laid in 1967. Replies, with the one exception ranged from plain 'not known' and 'not available' to 'statistics are not kept'. Some Provincial Welfare Department personnel seem to think that information of this kind is available from courts. Experience with courts has revealed that their records also have much to be desired so far as completeness is concerned. Provincial Departments of the Attorney

General sometimes report that their statistics are confined to economic terms, i.e., how much money in fines, court orders, etc.

One province reports, "216 cases in 1966/67 where legal assistance given, covers most provincial cases". These would be cases under the Maintenance Act.

In How Many Cases (1967) Was a Court Order Made and What Was the Total Amount Ordered?

No reporting provinces were able to answer this question.

Wives' Refusal to Lay a Charge of Non-Support

Five of the seven provinces reported that in 1967 there were instances of wives refusing to lay a charge of non-support against their husbands under the Maintenance Act. One province did not reply to the question.

Three comments were received:

- Q. Were any cases known to your department reported during 1967 in which deserted wives refused to charge their spouses with non-support under the maintenance act?

Fairly common response and related to fear of further alienation of spouse, lack of successful outcome in previous court actions, etc.

Assistance was refused to these persons because the whereabouts of the husbands were known and the applicants refused to lay information.

In 1966, 70 applications were turned down because the whereabouts of the husband was known or non-support was not established.

One province reported that of three known cases of refusal by wives to co-operate, all were given assistance. In another province there were ten known cases of this nature and all were refused assistance.

Should Department of Public Welfare, Rather Than the Wife, Assume Responsibility for Laying the Charge

No respondent reported agreement that the department, rather than the wife, should have the responsibility of laying a charge of non-

support against the husband. Three of the answers were accompanied by comments that indicated respondents were reacting to departmental policy rather than stating their own opinion. Possibly all replies reflect official policy. One comment included the following: "Could be desirable in some situations and Act provides for action by person other than deserted wife". Another respondent said, "If legal machinery available".

What Other Agencies Should Assume a Responsibility to Lay a Charge?

It appears that respondents were not willing to freely express their opinion on this question. One replied 'no comment' while another ignored the question. One respondent (a deputy minister) said he didn't know and another respondent said that no other agency should involve itself in this manner. The fifth respondent made a comment that did not answer the question asked. One respondent replied, "Responsibility should remain with deserted wife but probation and court service assisting wife in taking appropriate action". One respondent expressed the opinion that any responsible welfare agency could assume responsibility to lay a charge.

Does the Department Provide Financial Assistance When Court Order Payments are Delayed or Defaulted?

Financial assistance is available to wives in all reporting provinces when Court Order payments are delayed or defaulted. The following two comments were made by respondents:

With the expectation that the Family Court will take the necessary steps to have her spouse make regular payments and pay any arrears.

Payments made by the husband to the Court are assigned to the Department. The deserted wife does not suffer a reduction of income by defaulted payments.

Should the Onus of Collecting Support be Removed from the Deserted Wife?

The seven replies fall into three categories: under all circumstances, under some circumstances, and 'no reply'. However, an examination of the accompanying comments reveals the possibility that most of the replies may be based upon established policy rather than on the respondents' perceptions.

The two 'non-responders' attached statements that show the (operational?) policy of their departments to include removal of the responsibility of collecting money from the wives if circumstance require such a procedure. One of the 'some circumstances' respondents (a deputy minister) thought that removal of the onus from the deserted wife would be acceptable 'in case of spouse being incapacitated'. One would suspect that if the spouse was incapacitated there would be no 'onus' to remove from the deserted wife so far as the Court order is concerned. Another 'some circumstances' respondent added a comment that appears to be merely an evasion of the issue at hand. The third reply in this category is accompanied by what appears to be a genuine expression of opinion: "Under special circumstances where requested by deserted wife would seem desirable for family court to collect".

The one respondent who stated that the onus for collecting should be removed under all circumstances added a comment that appears to remove his reply from the 'opinion' category to one expressing established policy in that province. Another reply to the question was, "It's felt the wife has enough problems to face without having to collect from a husband who deserted her.

Is the Full Face Value of a Maintenance Order, or the Amount Actually Received, Considered as Income in Determining the Amount of Public Assistance Payable to a Deserted Family?

There were two affirmative, three negative and one conditional replies to the question.

There were, in fact, five discreet types of replies from the six respondents:

2. Yes, full face value.
1. Yes, full face value if payable directly to recipient, but
1. No, if payable to Department (it is then considered as a repayment of assistance issued to recipient).
2. Actual amount received.
1. Amount ordered not considered.

Does Your Department Supplement Orders When They are Paid by the Deserting Husband But Do Not Meet Total Family Needs?

All reporting provinces supplement orders but procedures and amounts vary. Two provinces supplement up to 'social assistance rates', another province supplements seventy percent of the budget deficit. One province indicates that supplementation depends upon a means test applied by the department. While three provinces failed to comment it would seem to be a safe assumption that definite procedures are following in instances of this nature.

Data available from case records in one Municipal Welfare Department indicate that few cases would require consideration under this question. Those data show that the vast majority of husbands do not fall in the 'when they (the orders) are paid by the deserting husband' category.

If payments Under Court Order in Favour of a Deserted Person are Defaulted, Can Legal Action be Taken to Transfer Payments Under the Order From the Plaintiff to the Welfare Department?

Five respondents gave affirmative answers but two of these gave no elaboration. In one province legal action can be taken but it is counter to departmental policy. In another province legal action can be taken

providing the permission of the court is obtained. Neither respondents indicated whether or not such action is actually taken. In one province legal action cannot be taken at the present time due to staff shortage, \*etc.\*

There were two negative replies, one of which did not include a comment. The sixth respondent offered the following comment, but it is not known if the right is actually exercised:

No - Social Welfare Act permits legal action to seize goods and let lands of husband or father and/or if found guilty, subject to fine or imprisonment, but does not provide responsibility to transfer payments to the Department.

Does Your Department Assist Deserted Women in Collecting Maintenance Orders?

There appear to be four basic procedures among the seven responding provinces - two of these are referral (although these two may be the same procedurally) one requires direct involvement of the department and one procedure does not involve the department.

In three provinces the department makes a referral to a court. In one province legal assistance is available to a deserted wife whether or not she has a maintenance order. The respondent did not state that referral for legal assistance is not made through the court. In one province the department itself attempts to 'pressure' the husband into compliance. While this response is no doubt correct, it would appear not to preclude a subsequent referral to the court if payments were not forthcoming from the husband.

The sixth responding province offers no assistance since full support is assumed by the province and recovery of payments (from the husband) is made through the court. It should be noted that although the province does not assist the wife to collect payments, the respondent

does not state that the department remains passive if payments are not received from the husband via the court. If the department does react (to the court) in these situations of non-payment by the husband, then procedurally the province is somewhat similar to other provinces that refer cases back to the courts when the husband does not pay the wife in accordance with the Court Order.

There is a possibility, of course, that the hopelessness that seems to pervade the problem of collecting payments is actually translated into departmental policy. In that event, the department may simply accept any monies forthcoming and leave the husband in peace).

One respondent replied negatively to the question, but offered no elaboration.

During 1967, Was the Department Assigned Payments by the Court on Behalf of Deserted Wives?

3 replies: no.

3 replies: yes, a few, but information on the number and amount of money is not available.

In the seventh reporting province, assignments are made directly by the court to the department although data on the number of such cases are not available. The amount of money thus assigned (as opposed to amount received) was sixty-six percent of the Provincial Welfare Department (1967) expenditures for assistance to deserted families.

Where, In Your View, Should Court Orders be Payable on Behalf of Deserted Families Receiving Public Assistance?

- 1) to wife but to the court (if circumstances necessitate).
- 2) to wife (note: this reply is probably a reflection of policy rather than respondent's opinion).
- 3) payment to wife's lawyer might be better (present policy is for payment to wife).
- 4) to the court but the final decision rests on the type of husband-wife relationship.
- 5) depends on situation.

- 6) to the court (note: this, no doubt, is a truthful expression of opinion, but it is also provincial policy in that wealthy province).  
 7) payments to the Department would let us know actual amount available, and our payments could be adjusted accordingly.

What Would be the Benefits - Costs and Liabilities of Ordering Maintenance Payments to a Third Party (other than wife)?

Times Mentioned	Benefit or Liability	Comment
1)	L	Infringement on rights of wife; she should control own destiny.
2)	L	Increase in administrative costs (note; agency not specified).
3)	L*	Assignment of payments (to department?) results in higher costs to department.
4)	L	Delay in receipt of money by wife.
5)	B*	To department; provide a stable income to deserted family.
6)	B	Husband might be more willing to pay.
7)	B	Easier to determine if husband commitment.
8)	B	Easier to enforce court order (note: agency not specified).
9)	B	To court: court has function of enforcement.
10)	B	We normally feel all payments should go to the wife. However, certain cases just cannot handle money for various reasons.

A number of the response categories are not mutually exclusive, but each does represent an individual variation.

Are Assistance Grants Recoverable From the Deserted Wife Under Any Circumstances?

Assistance grants are not recoverable in three of the responding provinces (one would suspect, however, that in special situations some recovery action would be initiated). Other provinces report that recovery is possible in instances of overpayment and/or fraud - the two concepts are not clearly differentiated in the respondents' replies. One province reports that recovery is possible if a 'large retroactive' payment is received. Also, recovery is possible in one province if additional (other than husband) income is received.

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\*In this province, it appears that orders are often (perhaps usually) made to an agency rather than to the wife. While the increased administrative costs are here acknowledged the greater emphasis seems to lie on the stability of family income.

Despite the replies to the question on assistance grant recoverability, it appears safe to conclude that all provinces would attempt recovery under specified circumstances. These situations may include fraud, overpayment, receipt of a large retroactive payment and acquisition of income from an alternative source. In the latter instance a re-assessment of assistance requirements would probably be undertaken.

Is Any Security Taken From the Deserted Wife to Ensure Eventual Repayment of Assistance Grants?

Five of the seven respondents replied that no security is taken from the deserted wife. One respondent did not answer the question and one respondent said that a 'refund agreement' is obtained from deserted wives in his province.

Do You Have a Special Investigation Unit to Deal With Cases of Family Deserter?

Two of the seven responding provinces have investigation units attached to the welfare departments. Responsibilities of the units are listed as: to locate spouse, to ensure that application for maintenance is made by wife (to court or to the department?) and to advise the applicant so a charge can be laid.

In Your Opinion, Should Welfare Services be Available to the Deserted Family to Locate the Deserting Spouse for Purposes Other Than a Charge of Non-Support?

Six of the seven respondents agree that 'locating of husband' services should be provided to the wife. One respondent did not agree that 'locating' services should be provided on behalf of the deserted wife. Respondents were also asked to name the type of agency that should, in their opinion, assume the responsibility and to delineate the responsibilities.

Times Mentioned	Name of Agency	Times Mentioned	Duties or Objectives of Agency
4	Public Welfare	3	reconciliation
2	special agency such as mental health	1	assist with family problems/ involvement of both parents with children/marriage coun- selling with hope of reunion
2	family court	2	locate husband to obtain voluntary agreement
		1	locate husband so wife and her lawyer can make contact
3	family service agency	1	locate husband so charge can be made

The 'times mentioned - duties' comments were not clearly specified in most instances. It appears, however, that Provincial Welfare Departments would like to place more emphasis upon the social rather than economic factors so far as family desertion is concerned.

In Your View, What Responsibilities Should the Deserted Wife Assume In Locating Her Deserting Husband?

When appropriate the wife should assume responsibility for exploring sources of information through family and other sources for location of spouse.

She is responsible for giving the most complete information possible as to her husband's whereabouts, to the Agency; and for making as many specific contacts or inquiries as she possibly can, as to his whereabouts.

Take appropriate tracing action through all available sources.

Provide his last known address. The Courts should bear financial responsibility.

To co-operate with the agency by providing pertinent information.

To do what she can. Provide any information she has.

Contact the Department who will endeavour to trace the man, hand his whereabouts to her and she can then have her lawyer take the necessary action.

How Would You Describe Your Department's Relationship With the Court?  
Note Whether Your Informal Working Arrangements are Primarily Positive  
or Negative (under what circumstances)?

Generally good communication with courts.

There is a very good relationship between our department and the family courts in larger centres; relationship with magistrates in rural areas is generally less favorable.

(a) varies; (b) not uniform; (c) public relations will be improved when additional qualified staff is available.

We have very little contact with courts, however, those we do have are quite positive.

The family court which covers part of the province is responsible to the Director of Child Welfare. In the other areas such cases fall under the jurisdiction of the Magistrate's Court and co-operation with these courts varies with each Magistrate. By and large the deserted wife gets little or nothing in the way of financial assistance through the Magistrate's Court.

The relationship varies from court to court.

Police and court on deserted wives are negative. They consider it futile exercise in most cases.

Does Your Department Have Any Formal (written) Agreement With the Court  
For Service in Cases of Family Desertion?

A formal agreement between the department and the courts exists in only one province and it is restricted to payments of assistance.

In Your View, Is There Anything Which Might Be Changed or Done to Make  
These Arrangements More Effective?

There were six replies to this question:

Large family courts have difficulty in coping with volume which results in delays. Possibly an increase in court personnel.

More co-ordination between agencies at the policy-setting level.

Public relations will be improved when additional qualified staff is available.

Extend Family Court Services to the whole province.

The establishment of Family Courts in the province.

Not as present.

Do You Have Arrangements to Provide Legal Assistance for Deserted Wife/  
Deserting Husband?

There were five positive and two negative replies to this question.

Deserted wife - when necessary to provide equal representation of case, counsel can be provided through provincial Attorney General's Department.

No - we refer to the Needy Litigants Committee or the Family Court.

Deserted wife - through Crown Prosecutor's Office where possible.

Deserted wife, deserting husband - referral to Area Director for legal aid.

Deserted wife.

In Your View, Are There Special Problems Involved in Assisting Deserting Families?

Special problems are perceived by senior welfare department personnel in every responding province:

Yes - Need for enriched social services because deserted family is vulnerable to great range of social problems particularly related to development of children.

Yes - A number of husbands refuse to contribute to the support of their dependents unless they have visiting privileges toward the children. Wives do not always agree with this. Also, generally speaking, one-parent families indicate a stronger dependence on the social worker and the department almost as a substitute to the support no longer being provided by the absent spouse.

- Yes - (i) Accommodation (housing)  
(ii) Assisting in settlement  
(iii) Hospital services  
(iv) Reconciliation through counselling

Yes - The law is inadequate to find the deserting husband and to enforce payment of maintenance on behalf of his legal wife and children.

Yes - Involved process, deserting husband is in and out of home, defaulting on payments and follow-up to recover.

Yes - One parent, guilt, marital conflict, pinning down deserting spouse, child problems.

Establishment of a family court (in that Province). Stronger and better enforcement of penalties. More pre-marital counselling.

What Do You See as Possible Solutions to the Problem of Adequately Assisting Deserted Families?

1. New approach in group self-help methods.
2. Allotment of more staff time.
3. Enrichment of staff training.

More adequate facilities, both public and private, to provide conciliation counselling. The attached article contains some worthwhile ideas in this regard. A third party appointed by the Court to act in the interests of the children where parents are not able to agree on matters of support, visiting privileges, etc. would be an asset. A greater understanding of the implications of separation on the family as a whole; more pre-marital counselling. The Canada Pension Plan could be used to provide automatic benefits to the spouse and children in the event of separation as it now does in the event of death or disability of the provider. Maintenance orders should be more realistic in amount.

More qualified staff for preventative services.

Transferring payment of maintenance for wife and family to the Court, which in turn must accept responsibility of collecting from husband.

Our plan in Ontario of having Courts forward the payments received to the department is working very successfully.

Early diagnosis and prevention, increased family centered services, more knowledge regarding problems plus finances and staff, solution to legal problems can best develop within national framework.

Does Your Department Have the Power to Lay a Charge of Non-Support on Behalf of Deserted Wives?

Two of the seven respondents commented on the question. The power to lay a charge on behalf of a deserted wife did exist in Saskatchewan 'many years' ago. The situation in New Brunswick is not clear and may warrant further investigation. Five provinces replied negatively, but gave no details.



APPENDIX D. Family Desertion: Views from Eighteen Courts

This is a compilation of opinions and perceptions of senior personnel from a non-statistical sample of eighteen courts distributed throughout nine Canadian Provinces from Vancouver Island British Columbia, to Nova Scotia. Newfoundland is the only Province not represented. The limitations of the material in the review are acknowledged but the belief is held, nonetheless, that it is of value to the Council's current project.

The courts may be categorized as follows:

1. Magistrates and Family and Childrens' Courts
2. Family and Childrens Court
3. Juvenile and Family Court
4. Magistrates Court
5. Criminal, Juvenile and Family Court
6. Family Court
7. Municipal Court
8. Social Welfare Court
9. Juvenile Court
10. County Court
11. Provincial Magistrates Court

Sixteen of the eighteen respondents were Judges or Magistrates of their respective courts. The respondent from one large Western Court was a Senior Court Counsellor and the data from one large Eastern Court was gathered by a member of the C.W.C. research staff.

Are the Resources of the Court Satisfactory?

Ten respondents replied that in their opinion the resources of their courts are satisfactory while five other persons think that improvements are warranted. The following suggestions were made:

- 1) 5 More staff:  
Probation officers  
Court orderly  
Investigating officers
- 2) 5 Better trained/more/better paid staff
- 3) 1 More career positions
- 4) 1 Detention home attached to the court
- 5) 2 Confused philosophy as to nature of court - legal and social functions.  
What properly constitutes court laws?
- 6) 1 If the do-gooders would just leave us alone or do the job required themselves.
- 7) 1 In my opinion, the resources of the Court are satisfactory. However, the personnel presently serving the Court will be able to do a more effective job as the counselling services in each of the three communities served by the court are gradually expanded.

Further to this, it is also my opinion that the three cities are each attaining a size which demands the employment of a full-time Coordinator of Social Services, since duplication and overlap seem to be problems which presently exist, and many social agencies seem to be working at cross purposes.

Should the Absence of the Husband, Wife, or Counsel Deter the Court from Proceeding with a hearing?

There is an overwhelming opinion in favour of the court proceeding with a hearing whether or not the husband and wife are present. Also the same strong opinion exists if only one party is represented by counsel.

These data are shown in Table I

TABLE I

REPLIES OF SEVENTEEN SENIOR COURT PERSONNEL TO THE QUESTION:  
SHOULD THE COURT REFUSE TO PROCEED WITH A HEARING IF: THE HUSBAND  
IS NOT PRESENT; NEITHER THE HUSBAND NOR THE WIFE ARE PRESENT, OR IF  
ONLY ONE PARTY IS REPRESENTED BY COUNSEL?

Condition	Proceed		Not Stated
	Yes	No	
Husband not present	7	10	-
Neither husband nor wife present	2	13	2
Only one party represented by counsel	3	13	1
TOTAL	12	36	3

In one major Western Court a hearing never proceeds unless the husband is present. There were no explanations given to explain the stand but a number of counter opinions were expressed. To proceed, for example, is the only way to obtain satisfactory results, and "If the need is urgent then nothing should stand in the way of a hearing".

Court officials believe that hearings should proceed even though only one party is represented by counsel. They indicate, however, that it is desirable to have both parties represented and that such assistance (on the whole) can be arranged. That husbands evidently do not exploit this right may be due to the extent of their rejection of the deserted family and any procedure which may force them to again assume family responsibilities.

Presently husbands may feel that the law, social agencies, and public opinion are so firmly opposed to their actions (whether justified or not) that they do not wish to co-operate in any manner whatsoever. In describing his years of experience with deserted wives one senior official commented to the C.W.C. staff person "Many of these bastards (the wives) don't deserve to be lived with".

One judge explained his opinion as follows:

In my judgment, the Court should not refuse to proceed with a hearing if the husband has been properly served with a summons, but is not present at the hearing. However, it has been my experience that most husbands respond to the summons which is issued pursuant to the original complaint. More difficulty is encountered in dealing with summonses issued to enforce existing maintenance orders.

In the Lower Mainland areas of the Province of British Columbia, and in several of the Interior areas where the full facilities of the Family and Children's Court have been developed, legally trained Judges are conducting all maintenance hearings. Although it would be preferable to have both parties represented by Counsel, it would appear to me that if hearings are properly conducted by an impartial and duly qualified Judge, the interests of justice are served. However, I am reluctant to deal with any application where one of the parties is represented by Counsel and the other party is not, and more particularly, has not even discussed the matter with Counsel prior to coming to Court. As the practice now developed in the cities to which I have referred, the Probation Interviewer is primarily responsible for processing all applications through the Court, although, as I have previously mentioned, the City Solicitors are engaged if a husband retains Counsel.

One Maritime Province judge could not give categorical answers since he prefers to proceed on the basis of individual cases. However, he added, "The kids can't go hungry".

#### Enforcement of Maintenance Orders

Most respondents report that the vast majority of husbands attend hearings and that enforcement of the maintenance orders is either satisfactory or very satisfactory. While these terms defy precise definition

there does appear to be a divergence of opinion between these respondents and those reported in other parts of the manual. Despite the opinion on the part of court officials that a 'Show Cause' summons or a threat of jail compels husbands to pay maintenance orders many senior Welfare Departments' personnel believe otherwise.

Ten respondents report that enforcement of maintenance orders are at least satisfactory while only two believe the record is unsatisfactory. Unsatisfactory performance is attributed to lack of staff of appropriate competence (and career oriented), lack of policy at top level, and too many interprovincial contradictions and inconsistencies.

The following comment has not been categorized but is definitive:

Many wives appear to be dissatisfied. Many seem to be unable to recognize that a man cannot pay more than he earns, or that he will not work if he is left with no incentive to work - that you can lead a horse to water but you can't make him drink. Many families cannot afford to live apart. Also many wives fail to see their own culpable contribution to the failure of the marriage.

#### Wives Entitlement to Arrears Under Maintenance Orders

All respondents believe that wives are entitled to arrears under maintenance orders although there are a number of stated or implied limitations on this right. Four of the eighteen respondents would give the wives the total arrears while eight others would arrive at subjective judgments based on the prevailing circumstances. One of these would simply assign the arrears "until it hurts the scamp".

One Quebec judge would allow himself to be influenced by the circumstances but not for a period exceeding four weeks. Three months was mentioned as an appropriate period once and a year was thought appropriate by four other persons. In the latter group one respondent would extend the period of arrears entitlement beyond one year if the wife still had debts exceeding the amount thus assigned.

One reply is as follows:

I find that I am very seldom ordering a husband to pay arrears to a wife unless for a specific purpose. For example, if the wife has incurred a substantial medical bill with respect to either herself or the children, and the husband has the ability to pay more than the monthly amount ordered in the orginal order, I may direct him to pay certain of the arrears to the Clerk, for transmission to the creditor in question. However, I find that I am reluctant to enforce payment of arrears and am more inclined to cancel arrears where a husband who has defaulted, subsequently improves his performance and makes regular payments for a certain period of time.

#### Court Involvement in Family Reconciliation

Fourteen replies favour court involvement but the definition of involvement seems to vary widely. One judge would involve his court by adjourning a case so his staff members could attempt counselling or refer the case to another agency. It appears that most judges hold one or more of the following opinions: that family disintegration has progressed too far before the case reached a court; that their staff are now working in the area of family reconciliation; or that additional activity of this nature would be very difficult due to the additional requirements of personnel and funds.

One Quebec judge, for example, states that all judges in his court attempt to bring the husband and wife together.

Another judge from the same province states that he can support family reconciliation activities by courts in principle but that praiseworthy efforts are often disparaged and inefficient.

The following quotation is relevant:

Although I would like to think that Family Court could be useful in matters of family reconciliation, most matters are brought to the attention of the Clerk only after a separation has occurred. Certainly, we can prove that couples in each of the three British Columbia communities have reconciled after the Probation staff serving the three Courts have had an opportunity of assisting them. The Family and Children's Court Act of the Province of British Columbia specified that "a Probation Officer shall endeavour to solve family problems without the intervention of a Judge".

On several occasions the initial application brought by the wife has resulted in an investigation and subsequent counselling, leading to a reconciliation. However, I am not optimistic about the prospect of the Family Court playing an increasing role in the reconciliation process. Unfortunately, most marriages which come to the attention of the Court have already completely broken down at the time of the wife's application.

Community Agency - Court Relationships

It appears evident that senior court officials do not believe they have a close, effective though informal working relationship with other community agencies. Table II is a tabulation of replies from eighteen respondents:

TABLE II

EIGHTEEN SENIOR COURT OFFICIALS' PERCEPTIONS OF THE RELATIONSHIP OF THEIR COURTS TO THE CHILDRENS AID SOCIETY, MUNICIPAL WELFARE DEPARTMENTS, FAMILY SERVICE AGENCIES, AND PROVINCIAL DEPARTMENTS OF PUBLIC WELFARE.

Agency	Relationship		Not Applicable	Not Stated
	positive	negative		
C.A.S.	8	4	3	4
F.S.A.	6	4	3	5
Legal Aid	8	2	4	4
Mun. Welfare Dept.	5	4	3	5
Prov. Pub. Welfare Dept.	9	3	1	5
TOTAL	36	17	14	23

In several instances agencies either do not exist in the community or their services do not extend to the jurisdiction of the court. The data in the Table should be interpreted with considerable reservation since, for example, it is rather difficult to conceptualize an informal relationship.

between a court and a Provincial Department of Public Welfare. Similarly the data for legal aid would appear to be easily subject to misinterpretation.

Despite the paucity of the data in Table II the three following points seem worthy of note. First there is the reluctance of senior court personnel to commit themselves on community agency - court relationships. Over half of the respondents did not feel their relationships were positive and the majority of these gave no information on possible solutions to this problem area. The data for C.A.S. and F.S.A. may also indicate a trend which would hold in a more extensive study. Whether or not these data can be considered representative, it seems evident that a considerable number of court officials feel they do not have a satisfactory working relationship with family supportive services in their communities. Data from the Municipal Welfare Departments indicate quite clearly that, next to the condemnation rained down on deserting husbands, court personnel may receive more abuse than any other group concerned with the problem of family desertion. Perhaps the time has arrived for greater co-ordination among agencies (including the courts) and a deeper appreciation of respective roles.

One judge comments as follows on the court - agency relationship:

Description of working arrangements with social agencies in the three communities:

(i) Provincial Department of Social Welfare

A good relationship exists between the Court and the Department of Social Welfare. In particular, matters involving the Protection of Children seem to be resolved with excellent cooperation between the Department of Social Welfare and the Probation staff serving the Family Court.

(ii) Municipal Welfare Department

We are concerned here only with arrangements for transmitting funds, by assignment, from the Court to the Municipal Welfare Department where a wife is receiving social assistance and her husband is making maintenance payments to the Court.

(iii) Legal Aid

The quality of service here is not consistent in the three centres, and represents one of the very real problems with which the Family Court must contend.

One respondent found the Psychiatric Clinic of assistance in family desertion cases. Another person replied that the C.A.S. does not exist in his province but that the Salvation Army, the John Howard Society, and the Alcoholic Foundation are valuable aids in family desertion work.

Suggestions for improving agency - court relationships were not numerous but are worthy of note, nonetheless:

- 1) A better understanding with C.A.S.
- 2) More leadership opportunities
- 3) An entirely new structural system is required (Quebec)
- 4) Social agencies are not organized, consequently they are inefficient
- 5) Ontario: The court feels, however, that the requirements of municipal and provincial Welfare Departments to have the wife lay a charge prior to receiving welfare is a violation of basic human rights. In this sense a certain harmony in working arrangements is lost because of the difference in ideas between these two departments.

The Municipal Welfare Department has 2 personnel in Juvenile and Family Courts to look after their interests. They also furnish a certain liaison between their respective Departments and the counselling offered by the court.

It is felt, too that a certain liaison is lost between this court and the Provincial Department of Public Welfare because they do not have such representatives in the court.

The court's general feeling at times about the two local representatives whose jurisdiction allows them to question people in court is a certain belief that they are "policing" the courts in the interest of their own department. They have no legal rights in the courts and their presence is an informal working arrangement between the court and the Municipal Welfare Department.

Comment from one of the counsellors interviewed in relation to informal arrangements with social agencies etc.

A Counsellor commented on the lack of communication when someone is admitted to the Ontario Hospital at \_\_\_\_\_ for treatment (i.e. a deserting father). Up until recently no case histories as compiled by the counsellors at the Juvenile and Family Court were forwarded to the hospital at the time when the patient is admitted.

A certain lack of understanding of the whole case is lost and the patient's problems are multiplied (as a result of his files being retained elsewhere). This counsellor in numerous cases attempted to no avail to phone to the Hospital at \_\_\_\_\_ to pass on what she felt would be helpful information regarding a method of treatment. In these cases her phone calls were not returned. In one case the patient was released back to the custody of the Juvenile and Family Court, having had no psychological treatment whatsoever, while at the hospital.

#### The Effectiveness of Legal Aid

Although eight respondents did not give their opinions on the effectiveness of the present procedures of legal aid it seems, on the whole, that courts are appreciative of the voluntary role played by members of the legal profession.

The comments received seem to have more relevance when considered provincially:

British Columbia: Generally this is not a major concern.

There are presently no effective procedures established for legal aid in Family Court matters. Local members of the Bar do undertake a certain amount of civil legal aid on a voluntary basis. However, it is my opinion that this is a matter which must be negotiated by the British Columbia Bar Association and the Provincial Government, and I do not feel that it is proper for me to comment upon the situation further. Satisfactory although Counsel not adequately reimbursed.

Saskatchewan:

Aside from the burden on the legal profession of doing this work without fees the system is effective and the court most appreciative.

Manitoba:

No present procedure.

Ontario: These services are provincially provided in Ontario and are highly effective. Service is voluntary on the part of the lawyers. Lawyers whose names appear for cases are paid by Legal Aid.

At the present time our court has one full time lawyer and legal secretary and are trying out this arrangement from an experimental standpoint.

Quebec: In the first place, legal assistance as such does not exist except in the larger towns (if at all). The various voluntary offices fulfill this duty at the request of the judge.

There should be a greater number of specialized lawyers provided by the Legal Assistance Plan.

Prince Edward Island: Some clergymen could take more interest.

Nova Scotia: No Legal Aid here.

#### Major Difficulties in Dealing with Family Desertion

Court personnel (except two who did not reply) perceive a very wide range of difficulties in dealing with the problem of family desertion in their jurisdictions. In some instances comments are restricted to courts per se, such as staff and procedures. Some replies referred to the professions and agencies that are, or ought to be, concerned with family desertion while other replies imply the weaknesses in our present societal structure.

Although lengthy, a list of the main points is as follows:

Husband and Wife:      Inability of wives to manage their children  
                                 Emotional inadequacy of spouse  
                                 Lack of maturity  
                                 Immaturity of spouses - particularly the men  
                                 The vagaries of human nature  
                                 The ignorance of most couples insofar as an intelligent assessment of their respective responsibilities are concerned. The lack of pre-marital counselling is probably the foundation of this ignorance.  
                                 Alcoholism (three replies)  
                                 Unfaithfulness  
                                 Marrying too young

The Court:      Difficulty in determining amount of maintenance  
                  Too late for effective counselling  
                  Lack of legal counsel  
                  Lack of family counselling facilities  
                  Satellite courts (for large urban centres) to relieve  
                  the work load on major courts and to prevent couples  
                  from travelling great distances to attend hearings.

Locating Husbands: No real effort by police to locate husbands  
                  Lack of wives' resources to locate husband  
                  No policy on arrest (of husband) and their return  
                  Vanishing husbands  
                  The ease by which orders can be ignored by moving  
                  around the country.

Court Staff:      More investigation and follow-up personnel  
                  Lack of trained help.

Economics:        Man's inability to maintain two families  
                  Debts (two replies)  
                  Economics

The Public:        Lack of public interest and co-operation  
                  Education

THE ADEQUACY OF ASSISTANCE AVAILABLE TO DESERTED FAMILIES:

As in the previous question, respondents showed a very broad interpretation on the adequacy of assistance to deserted families.

Replies range from the affairs of the courts to those of welfare agencies and to society at large. Eight replies were positive - that deserted families are receiving adequate assistance and nine replies were negative.

Deserted Families Receive Adequate Assistance:

- 1) Public assistant (welfare payments).
- 2) Public welfare to supplement maintenance received from deserting husband.
- 3) Social workers and agencies co-operate with judges to achieve excellent results (Quebec).
- 4) Our Welfare Department is Santa Claus and now our adult population who does not want to work knows where there is one (Maritimes).
- 5) There are sufficient resources available to enable any deserted wife to bring her situation before the court. I further believe that the facilities of the court will continue to improve, both in terms of the number of personnel and their competence.

Deserted Families do not Receive Adequate Assistance:

- 1) Need adequate welfare assistance (Alberta).
- 2) Opportunities to become independent
- 3) Removal of stigma if on welfare or limited earnings.
- 4) Need full opportunity to participate in normal community life and opportunities, e.g., music lessons, recreation, etc.
- 5) Lack of co-ordination, co-operation, and organization among agencies (Quebec).
- 6) When family deserted then welfare should be available so as to maintain family income.
- 7) Onus should be on the State to enforce and collect an order.
- 8) Little counselling provided for the woman or man who live alone.
- 9) Orders are difficult to enforce and when enforced some men turn to social assistance and common law company.
- 10) Lack of facilities.
- 11) Should have a Family Court System with full-time Officers to operate same (Nova Scotia).
- 12) The court feels that it is doing what it can but that there is a lack of cohesion in services between Welfare Departments and Juvenile and Family Courts.

The court feels the Provincial and Metro Welfare are not realistic in supplying certain needs. More realistic and better rules and regulations should be forthcoming from Attorney General's Department.

The Municipal Welfare seems to have two methods of dealing with cases of desertion, 1) by referral to Juvenile and Family Court for the laying of charges, and 2) via their own Deserted Wives Department for counselling. It is also felt that the Provincial Welfare Departments are ignorant of the broad facilities offered via the counselling department of our court. They send in those cases to lay a charge for non-support in order to qualify for assistance under Provincial Welfare - often against the will of the wife who does not want to lay a charge.

Rates of Divorce and Family Desertion

The possible effects of changes in the divorce laws of Canada on rates of family desrtion raise a number of important sociological questions.

In this regard the opinions of judges and magistrates may be particularly perceptive due to their experience with crisis families in court situations.

The extended grounds for divorce may be accompanied by either an increase or a decrease in the rate of family desertion. If family desertion rates are reduced we may speculate that lower social-economic families are turning to divorce, rather than to desertion, as the solution to their marital problems. If, on the other hand, family desertion rates remain stable or increase while the rate of divorce increases a very different situation may exist. In this event there may be no significant change in the problem of family desertion per se. Many families from the upper social-economic level of society may take advantage of the extended grounds for divorce to formerly terminate marriages which had already come to an end in any meaningful social or psychological sense. Such families may or may not have been physically separated. One may speculate that those marriages would have ended as cases of family desertion had the spouse been in lower educational, social or economic levels. Many of the additional divorce cases may be, in fact, cases of family desertion that had not come to the attention of courts or welfare departments since they possess adequate financial resources to maintain the family although the spouses are not living together.

The eighteen respondents show a divergence of opinion in the anticipated effects of the new divorce legislation on family desertion rates in Canada.

Seven replies were negative (no effect) and five were positive.

The remaining six respondents did not commit themselves. The only comment accompanying a negative reply expresses the opinion that the desertion rates will not be affected but that the new legislation will enable spouses to legalize 'already existing situations'.

Reasons given for supporting the assumption of an effect on family desertion are: that the accused do not, in general, have the financial means to provide for the needs of both families; that common-law unions will become less desirable; and simply, that divorces will be easier to obtain.

One respondent really doesn't know what the future will be:  
"I really don't know - but the present set-up is hypocritical and in some cases downright wrong."

Eleven of the eighteen respondents are of the opinion that Family Courts should have a role in divorce proceedings. Three persons did not express an opinion. This rather strong support for the Family Court Role seems to support the contentions of many judges that indeed, a family has not reached the point of total disintegration when it arrives at the court. The point raised above may be valid in that families destined for a divorce hearing may not be significantly different from those that become cases of desertion if a few major factors can be held constant. These are the factors which can be subject to adequate counselling and family reconciliation techniques. This line of reasoning is complementary to that of many court officials who outline the necessity for more and better family supportive services whether or not such services operate within the court structure.

Several of the respondents who believe the Family Courts should have a role in divorce proceedings have also given some explanation of their stand on this important issue. The views expressed indicate that Family Court judges and other officials have some reservation about the ability of divorce court personnel to examine the parents and children and to arrive at decisions which are in the best interests of all concerned parties. The opinions of Divorce Court judges would do much to bring this important problem into truer perspective.

"Since you agree that Family Court should have a role in divorce proceedings, would you outline what these responsibilities should be?"

1) Protect the interest of the children:

- 3 A. Childhood protection
- B. Make sure minor children are provided for in the divorce decree
- C. See for the protection of children

2) Investigate and Counsel families before divorce granted:

- 3 A. Investigation and counselling before divorce is granted
- B. Due to this court's interest in counselling, its present position in relation to divorce legislation works in unison with all these facilities being made available.
- C. Family courts are quite competent and more experienced in understanding and assessing the degree of family breakdown than the higher courts.

3) There should be some type of joint structure:

- 3 1 Unified court for all family matters including divorce and custody.
- 1 In my opinion, Family Courts should eventually have a significant role to play in divorce proceedings.

Although I believe that matters of custody should not be referred to the Family Courts until the Family Courts are conducted by legally trained Judges throughout the Province, it is my opinion that all references with respect to maintenance should be made to the Family Court, rather than to the Registrar of the Supreme Court as is presently the case. This would, of course, entail an amendment of our present legislation, since a wife's right to maintenance ceases upon the dissolution of the marriage, whether upon the application of the husband or the wife. (British Columbia)

- 1 It might be useful, particularly where marriage breakdown or custody is involved, to have judges, who are experienced in family life and law and counselling, specialize in this field. We have specialists in other fields of law and surely this is the most important field of law. Family Court Counsellors have developed a type of custody report which has been called for by our Divorce Court Judges as well as the Family Court Judges. They have been found to be most helpful. The custody report gives a picture of the child and his reactions in all the environments which may be available to him. This evidence, of course, is the Judge's prerogative.

The following quotation describes the Custody Report in some detail and is included here since it has been found valuable in the court referred to above:\*

The type of Custody Report or Home Study the Court finds useful is one which endeavours to portray the child in relation to the environment either parent proposes to provide for him. The ideal goal of the report is to make all within the orbit of the study vividly understandable, much as a good novel is able to make its characters live in our minds. The presiding Magistrate and the lawyers acting for the parents should then be able to form a reasonably clear concept of the circumstances under which the child or children may be expected to live when in the sole custody of either parent.

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\* Mahaffy, F.I. The Family Court of Winnipeg, Manitoba Winnipeg: Manitoba Probation Service, 1967, pages 8-9.

The child will be visited while in the sole care of each individual parent in as normal a situation as can be devised, and the unobtrusive observation of the interaction between child and parent will form the basis and direction of further enquiry. If there are grandparents, they too will be visited and the performance of their roles taken into consideration.

Opinions as to the quality if the individual parenting will be invited from references whose names have been supplied by the parents. Comments about the case itself will be firmly discouraged and the focus of the interview kept on the child in relation to the parent.

School teachers, Sunday School teachers, team coaches and others who could be expected to comment objectively may also be consulted. Finally, if the child is mature enough, his own opinion may be invited. By this time the interviewer is a familiar person, an element of trust should have been established and the child may well be relieved to have an opportunity, apart from either parent, to express his concerns for his own future. A surprising number of these children can be quite articulate about parental shortcomings even in the matter of discipline.

The summary will record the conclusions reached and the many pages of personal and environmental descriptive material support the conclusions. The report is not a discussion or evaluation of the evidence, which is the Judge's prerogative.

- 4) Family Courts should supercede other courts in the area of divorce:
  - 1 These cases (divorce) should be heard before Family Courts.
- 5) Family and divorce are distinct problem areas and should be handled accordingly:
  - 1 Make up your mind - which court do you want to handle the divorce situation - and then let them have the authority as well as the responsibility.

Family Desertion in a Large Urban Juvenile  
and Family Court

Data in Table III was taken from the records of a Juvenile and Family Court in a large urban centre.\* The table shows trends in the number and disposition of complaints laid under the Wives and Children Maintenance Act\*\* for selected portions of the years 1966, 1967 and 1968.

An examination of the table shows an increased number of complaints for the year 1967 over either 1966 or 1968. However, a statistical comparison of the combined January-February totals for 1966 and 1968 shows that there is not a significant trend in the data ( $\chi^2 = .046$ , df = 1,  $p < .90$ ). On the basis of these data it must be concluded that the increase in the number of complaints heard in this court for the year 1967 represents a short term fluctuation and that a longer term trend toward increase does not exist.

It is necessary to add a cautionary note regarding interpretation of the table. For example, the available data must be considered within the context of possible changes in court procedures, a rapidly expanding urban population within the court's jurisdictional area, possible effects of anticipated (in 1966, 67, and early 1968) changes in the divorce laws, as well as numerous other factors.

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\* These data were gathered by Mr. Lyall Graham of the C.W.C. research staff. The records were designed for administrative rather than research purposes which may affect the validity of the data to some unknown extent.

\*\* See : Statutes of the Province of Ontario, Toronto: Queen's Printer, 1957.

TABLE III

Disposition of Complaints Under the Deserted Wives and Children's Maintenance Act in One Large Urban Juvenile and Family Court for Selected Periods, Years 1966 to 1968

1968

Disposition	Jan. Feb. Apr. Jul. Jan. to Jul(7m.)					Jan. Feb. Apr. Jul. Jan. to Jul.(7m.)			Total 1967		Jan. plus Feb.	
	Jan.	Feb.	Apr.	Jul.	Jan. to Jul(7m.)	Jan.	Feb.	Apr.	Jul.	Jan. to Jul.(7m.)		
Order made	97	77	91	74	597	110	84	68	51	519	834	173
Adjourned sine die	59	49	53	26	353	54	55	39	41	323	514	99
Withdrawn	36	25	42	43	241	5	-	1	1	10	11	7
Money or Jail (S/C)	34	36	39	35	268	55	61	60	30	365	551	86
Dismissed	31	24	44	25	239	26	20	25	27	163	300	34
Order Varied	16	11	18	13	108	28	15	16	16	126	189	30
Arrears Ordered Paid	15	8	18	6	90	15	23	22	17	108	187	38
Suspended Sentence	2	1	1	3	10	3	-	-	3	10	15	6
Order Rescinded	2	-	4	1	15	-	9	5	3	30	42	11
Fined	1	5	1	1	12	4	5	2	1	14	18	6
Order Suspended	1	-	-	-	1	4	-	1	1	7	10	-
Jail	-	1	2	-	6	5	-	1	1	10	11	7
Custody	-	-	-	-	-	-	-	-	-	-	-	5
Arrears Cancelled	-	-	-	-	-	5	1	-	-	8	9	4
Fine or Jail	-	-	-	-	-	-	-	-	-	2	-	-
Total	294	237	313	227	1929	328	296	296	220	1854	3054	538

APPENDIX E.

REPORT OF GROUP INTERVIEW WITH DESERTED WIVES

In the course of this short study of desertion we wished to get the views of some of the women who have experienced desertion but who were unlikely to belong to any of the women's organizations that have presented briefs to the Royal Commission. An opportunity was offered by a family service agency of a large metropolitan city, at their residential summer camp. This Camp provides a 12-day holiday for mothers with small children and for boys and girls up to 15 years of age. Campers are accepted according to their need for this holiday and the fee is set according to their ability to pay. Last year the average fee paid by a camper for each period was \$4.22, the average cost per camper being \$65.00. Approximately 200 women go to camp each summer and approximately 30% of them are sole parents. Since our aim was to listen to what the women had to say, a camp setting was ideal with its relaxed and informal atmosphere. There were three group meetings and several private conversations.

In age, the women were about equally divided between the twenties and thirties with only two over forty. All of them had 2 to 5 children ranging from infancy to 14 or 15 years of age. With only one exception they were mainly dependent upon public welfare for financial support either through the provincial family benefits program, or municipal public welfare. Their monthly incomes, inclusive of payment from their husbands on court order, their own earnings, family allowance, and family benefits or public welfare, ranged approximately from \$212 to \$319. However income ranges and averages alone may shed very little light on how families are actually getting along.

For instance one young woman in her twenties with five children under 12 years, on an income of \$319 a month, was paying \$150 a month rent plus the cost of utilities. Others with less income had made a far better deal on rent which seemed to be the crucial factor on the expenditure side of family budgets.

With these few details, however, similarity ends. Just as there is no one type of Canadian family, there is no stereotype of the deserted woman. Some of the women in these groups appeared as attractively dressed girls and some as troubled women looking older than their years. While they made frequent references to their lack of superior education, a listener would not have supposed that this was an especially poorly-educated group because many expressed themselves well. There was probably a fairly wide range of intelligence represented, and of emotional maturity. It should be recognized however that all of these women were well enough organized and sufficiently alert to the best interests of their children, to go to the very considerable trouble of getting themselves and their children ready for camp and of planning to that end for months in advance. In other words, they were not the utterly demoralized families of the modern ghetto, although some lived in ghetto neighbourhoods and were finding life hard and bleak.

The group met out-of-doors. We made sure that the participants knew where we came from, and our connection with the Royal Commission on the Status of Women. We said we wanted to hear what they could tell us about their experience as women separated from their husbands and alone with their families - if they felt they were fairly free of

problems we wanted to hear that - if they had special problems, and especially problems that women in other circumstances do not have, we wanted to know what worried them most. We had prepared some leading questions, in case discussion-priming became necessary, but in fact the young women could hardly wait for the end of our polite introduction. Discussion continued to be lively and difficult to terminate.

#### Employment

In the first group the first subject introduced was that of paid employment. Some of the young women returned to this subject repeatedly and it seemed to be very much on their minds. "I would like to be employed but I am trapped on public assistance" was one statement that seemed to sum up the feelings of the majority of the women. Another expressed it this way "I have no choice but to sit and wait for the mothers' allowance cheque". They said that it would cost too much to take employment. They would have to pay for a sitter, for extra clothing, transportation, and their medical and dental bills would become their own responsibility. Then if they earned over a certain amount on part-time work this would mean a deduction in their public welfare or mothers' allowance cheques. One woman, for example, works two days a week and her cheque is cut from \$304 to \$206. For this particular woman the employment means a great deal in terms of her own feeling of independence which is precious to her and she does not quarrel with the reduction in the amount of assistance. Others were obviously resentful of the regulations.

The other obstacle to employment, especially for women with pre-school children, was the lack of any provision for day care in some districts. Even where there are day care facilities they are not open after 6 P.M., when some of the part-time work is available. In order to work after 6 P.M., one would have to pay 50¢ an hour for a sitter. There were in this group three or four women who took part-time work. A couple of the women were doing volunteer work in a church or helping in after-school-programs at the school.

There appeared to be some variations in the implementation of the public regulations or at least in the women's understanding of them. For example, there was an argument as to whether the Department deducts from the amount of assistance on the basis of 85% of what an employed woman earns or on the basis of 75% of what she earns: some of the women thought that it was the one and some, the other.

The younger and more alert women - expressed the wish to take further training and most of them seemed to feel that they had been limited in the amount of schooling they had had. Only one of the women had definite plans for further education or training and she was planning to go to a high school in the fall to continue her schooling which had ended in grade ten. She is planning to work two nights to pay for a baby sitter.

With the exception of this one young woman there was no evidence that the women had been offered or had sought any serious vocational counselling on the availability or possibilities connected with training. The obstacles to taking jobs were also obstacles to plans for training.

There was a private conversation with the woman who had a full-time job and who was at camp on her annual holidays. She was one of the older women and she managed as follows: She earns \$254 a month doing unskilled work in a factory. She may, however, earn more when opportunities come up for overtime work. She gets up at 5 A.M., leaves home at 6 and reaches her employment by public transportation at 7 A.M. She remains at the factory until mid-afternoon. In the meantime her 14-year-old daughter takes the little boy to a day care centre where they pay 10¢ a day. The mother prefers this life to being on welfare because she feels that she has a chance to better herself. She realizes that she could not be employed were it not for having her daughter in the home to help with arrangements for the little boy.

#### The Children

No one could doubt that all of the women were anxious about their children and about their own responsibilities for child rearing. They definitely feel that they have several strikes against them as mothers alone. To begin with they feel that the community expects them to fail in rearing their children. This community attitude affects them and makes them more resentful, apprehensive and tense as they try to play their parts as parents.

Another problem that they considered to be peculiar to their situation is that the children tend to idealize the absent parent, easily forgetting what happened during his presence in the home. In particular there was resentment regarding the arrangements initiated by the Court for visiting privileges for the fathers.

The Court won't refuse visiting rights while the man is paying for the support of the family and the women wish that support could be separated from visiting rights. They claim that visiting rights are used to spite or irritate the wife or to spy upon her. Some of them have had experience of violence during visits and in some cases this violence meant that they were put out by the landlord following the visit. Some of them had a strong sense of injustice because according to them the Court gives the mother the custody of the children including all of the responsibility while the father has the privilege of visiting with no responsibility and with every opportunity to appear in a favourable light before the children.

It could be expected and appeared to be the case that there was great variation in the way the children were actually getting along. Several women mentioned the professional help they were receiving with disturbed children. In other families the child development would appear to be as normal as any to be found anywhere.

Special anxiety was expressed about the older boys. Very often, the way the problems were stated suggested a picture of an anxious parent floundering beyond her depth. Some of the women said "you can't bribe them", "you can't reach them", "you get so exhausted". One said that her teen-age son had "hateful attitudes" and, when she was invited to spell this out, she simply insisted that "he hates the whole world". Some of the women felt that the boys did not understand about money and why their mothers were restricted about expenditures. The boys sometimes say "I'm not scared of you". The mothers were using threats, sometimes using as a threat the very establishment that might

help them, for example: "I'm going to call the Big Brothers if you go on this way".

One of the women said that the girls also needed a man's guidance. Her young daughters feel strange around adult men - they feel leery. Where can you get this kind of guidance that you can trust? The other women had not thought of this angle but they agreed that the daughters would be better off if they were acquainted with some men of mature judgment.

What help do they get from the community's network of organizations? Some of the women had had counselling themselves and found that it helped them. But speaking of services and opportunities for the children themselves, they had a feeling that little was happening.

Only one of the mothers said that her family was receiving substantial outside help and this was where a young man and young woman visited the children at least once a week and sometimes twice, taking them out, talking to them and so forth. It was significant that this mother was vague as to where these young people came from. They were evidently not from a church but her mothers' allowance worker had arranged for it somehow. She did not seem to care about the auspices but she did care about their dependability, regularity and the pleasure they gave the children. A few of the women, in answer to a question, claimed a church connection for themselves and for a couple of others said that the children went to Sunday School. Some of them said that the older boys at the church beat up on the young ones just

as much as they did at the public schools. Some thought that the downtown churches would not admit children to the groups if they came from outside the district or parish. Counselling organizations for children and young people are not very much use because either there is no follow-up on applications or the follow-up is so slow and the contact so infrequent as to be almost no use. As far as the schools are concerned "the teachers drop the kids at a quarter to four". The police did not seem to be regarded with antagonism but there are just too many youths in trouble for the police services to go around. "You have to wait until there is an assault with witnesses".

The strongest complaint was about the lack of recreational facilities. One recreational centre in the downtown area is closed during the summer. Another has age limits and there is relatively little for the problem age of twelve to eighteen. One mother claimed that there is one recreation centre in the downtown area of a ten-block square.

One young woman said that this discussion had stimulated her to the extent that she was going to write to her M.P. about the lack of recreational facilities.

The women mentioned the need for sex education for their boys and girls and most of them said that they didn't know how to meet this need. They said they did not feel uncomfortable or embarrassed in talking about sex relations and this statement appeared to be true, judging by the freedom with which they talked on the subject in other parts of the discussion. They feel they do not know how to convey information. They don't have the knowledge in terms of the correct

vocabulary and explanations that they can be sure are accurate physiologically or medically. Their common experience had been that their own mothers had not given them any sex education. Their mothers had not even given them any information or instructions at the commencement of menstruation. (Since the majority were in their twenties and early thirties presumably their mothers were born about the end of World War I and reared in the 1920's and 1930's). They were not criticising their mothers but neither did they approve of the situations in which they had been left. Some said that sex education should be part of the High School curriculum. Others considered that this would be too late.

#### The Social Life of the Women Themselves

The literature on marriage breakdown is apt to stress the loneliness of the separated woman. This was not a condition that was stressed in these groups or even mentioned once. But the participants did say repeatedly that they felt trapped. One - perhaps the principal - reason for this feeling is their financial situation and the apparent impossibility of bettering their lot. Also "we wouldn't feel so trapped if we were free of the kids once in a blue moon". Some of them had had experience with two non-profit day care centres and praised them as "terrific".

But there was something else. The women felt themselves to be fenced in by community suspicion and responded with feelings of resentment. They resented unseparated couples. They felt that unseparated wives are invariably suspicious of them. One woman who probably was a relatively stable member of the group said "I back away from a married

couple". Some - not all - had a strong sense of being spied upon. Some said that they had been reported by neighbours to the welfare department, children's aid societies, etc.

They were very conscious of other social attitudes towards the separated woman. They spoke of the men who, one way and another, say "you're not a virgin any more so why not?" They spoke of the couples' groups where you're a fifth wheel and of the women's groups where all of the girls are younger or act or feel younger. One of the more sophisticated women identified as characteristic of this society that "virginity and virtue are equated". A few of the girls, in the groups or conversations referred to men friends.

The women all agreed with one who said that she felt less trapped than she used to feel since the development of the Legal Aid system and further, since the passing of the new Divorce Act. "You can hope to be legally married again some day". The Legal Aid system was also said to be "terrific" and was described as "down to earth".

#### Public Assistance

The feelings of the women with reference to community services varied widely. However all of the comments indicated the importance of the relationship with the individual worker as a person. Some of the statements were "he belittles me". "It's as if she does not trust me". "She's just marvellous and I can tell her anything". One of the women told how, when she was in her blackest part of the early days of separation, the public welfare worker spent time simply keeping her company. This she appreciated tremendously.

Others resented the welfare workers and in some cases the resentment could almost be described as hatred. In every case this resentment was linked to the sense of being under surveillance or spied upon. Some of the women seemed to agree with one who said that "once you're on welfare your children aren't your own any more". There were expressions of mortification and hostility about situations in hospitals where staff loudly addressed them with some such remark as "are you on welfare?". Several expressed uneasiness or hostility about the lack of real confidentiality. One complained bitterly about a worker who talked about one family to other families in a large housing unit. In many cases the sense of the invasion of privacy was strong. Some of the women who have had part-time work spoke about the practice of asking employers to sign a form for submission to public welfare officials. They said that this means that their boss knows their situation and so does his secretary and his bookkeeper.

In all the sessions there were arguments indicating that recipients of public assistance are unsure of the basis of the amount they receive. Some of them still feel that the amount depends too much on the whim of the worker and on whether he or she likes you. Very few seemed to have an accurate idea as to why they were actually receiving a given amount. The lack of precise information about deductions in case of earnings has already been mentioned.

The provinces' Family Benefits program has great advantages for the women, in comparison with municipal public welfare. It gives a far greater sense of security. Particularly appreciated is the

practice of having the Court forward payments made under court order to the office of the Family Benefits program so that the recipient can depend upon receiving one payment in the same amount each time. Also greatly appreciated is the hospitalization that is laid on without the humiliations that were once so frequent.

Nevertheless the women feel the stigma that our society attaches to public assistance and that seems to be stamped upon any and every social assistance program. There was no evidence that they see their family support to be a right, which can be claimed without mortification or resentment on their part.

#### The Courts

As far as court hearings themselves are concerned, all of the women agreed that the proceedings in court are fair and that people are treated with respect. They did not say the same for the services prior to the court cases. No one had a good word to say for the nature of the counselling that is supposed to be part of the court system. They quoted some of the remarks made to them and described some experiences.

As expected, there was great dissatisfaction about what happens when payments fall into arrears. The wife must go to court. All of the women greatly disliked having to go to court but differed as to whether it was "just" for the woman to be obliged to take action. One woman considered it to be the responsibility of the woman, however disagreeable this responsibility might be, and as far as she is concerned she is obliged to go to another city to appear in court. Most of the women however resentfully wish that some way could be found so that they would not have to assume this kind of responsibility for pressing charges.

### Housing

The women did not identify housing as one of their main anxieties. Apart from the high rents that a few were paying they did not complain about their houses or apartments as such. The neighbourhood or immediate environment was a different matter. The discussion, especially when it became excited, gave a vivid picture of trouble in the streets for both children and youth. In the public housing developments, the group had a general impression that there is a very small percentage of united families and that there are severe problems pertaining to children and especially to teenagers in these areas.

Only one woman owned the house she is living in - she is still paying on it and does not know whether she will be able to afford to continue but she would very much like to do so, especially after hearing the comments of women living in housing developments.

Some of the women in public housing expressed their sense of being under surveillance. One of them said that she felt spied upon by the housing authority, public welfare and the court. (This was a young, attractive woman and she was one who mentioned having men friends and therefore she may be realistic in her feelings about the suspicions of officials and neighbours).

### Marriage Breakdown and its Prevention

While the reasons for the breakdowns in these marriages were not probed into, one was left with an impression that these reasons were indeed varied, from severe, diagnosed mental illness to the ordinary immaturity of young persons unready for family

responsibility. There were many indications of early marriage - 17, 18, 19 years of age. One young woman said "When a girl gets married so young, she misses all the fun of the teenage years". But most agreed that teenage girls would be unlikely to heed advice such as they would like to give. One said "It makes me feel sick to see teenagers marry".

The women did not spontaneously mention violence in their homes but since current literature is mentioning an increase in violence in homes a direct question was raised. Almost all of the women seemed to have had experience of violent behaviour but felt reserved about discussing it. All agreed that the police are limited in the amount of help they can give. There did not seem to be a critical attitude toward individual policemen but there was a conviction that the police are not allowed under regulations to intervene in domestic violence or lay a charge. Some of the women mentioned that too many women had backed away from pressing charges, after calling the police. One woman who evidently had had many experiences of violence said that she did get the police to take action the fourth time she called them and that they laid a charge in the Civil Court - not the Family Court - and that she felt the Civil Court took much stronger action than would have been taken in the Family Court. Others were cynical: You need to be dead to get police protection.

In an effort to start an examination of the sources of family breakdown, a question was introduced about the experience of the parents of the women and whether their marriages had been harmonious

or otherwise. All reported unsatisfactory relations between their own parents. In some cases there had been definite separations or divorce. Most if not all expressed a sense of their own poor relationships with their parents although a few said that these relationships were now much better and they expressed appreciation of the practical help that their parents gave, for instance in babysitting and attention to their children.

A question about the prevention of family breakdown was introduced. No one had mentioned this aspect of the subject and therefore we gave an idea of what we meant by the term and the reasons why it would be important for us to get the reactions on this question from women who have had a variety of experiences of family problems.

In the first group, one person immediately said that getting a marriage license should be as difficult as getting a divorce - there should be a higher fee and there should be compulsory courses regarding married life. The idea was that a proper course on such a subject should continue for six or seven months. The other women did not agree that a course should be compulsory - they did not think this would work. However, all agreed about education for married life as something of vital importance, but lacking.

They said that teaching about marriage should take place before the idea of marriage becomes serious, that is it should take place in earlier childhood. The content of a course should not be just about sex but about the relationships and communication between mates. The counselling session should be led by people who can communicate with young people.

One young woman continued to stress the need for people to understand themselves quite apart from questions of marital harmony. "I want to see if I can make a success of myself before I try to make a success of another marriage".

Several women thought that boys and young men are getting no training for marriage. The little training that is available is likely to be offered to girls. They were clearly concerned, at this point, with the moral content of sex education.

These young women recognized the value of marriage counselling services. Several of them have availed themselves of these services and felt they were helpful. Their one additional point, however, was that far greater effort should be made to advertise these services - to make them better known. People do not know where to look for this kind of help.

When the subject of prevention was introduced at the end of the discussion in the second group one young woman spoke with great vehemence saying that one way to prevent marriage breakdown would be to stop forced marriages. Her statement, expressed with great conviction, appeared to be supported by the total group. The young women seemed to be saying that when a pregnancy occurs in the case of a teenage girl there is no alternative except marriage. This kind of marriage was just about the least desirable alternative that could be imagined. Several women quoted statements made by their husbands throughout their marriages indicating the continuous humiliations and the brutalizing effects on relationships of this kind of basis for a

marriage that is literally "forced" on the young couple. One young woman said that when her daughters reached their teens she would canvass doctors until she found one who would provide teenagers with birth control pills. At least some of the other women agreed.

#### COMMENTS OF DISCUSSION LEADER

In making these comments I will try to avoid repetition of anything contained in the report. Moreover in not attempting to "interpret" what the women said because the aim was to have their ideas come through as directly as possible.

First, because of the ever-present tendency to stereotype people, I would like to reemphasize that deserted women are just as different one from the other as any cross-section of population. This was abundantly clear in the groups as stated in the third paragraph of the report.

The danger of perpetuating unstable home life came through clearly. The women gave the impression that they had had somewhat less than happy childhoods, with unsatisfying relationships with parents, many of whom had themselves been disunited. The most articulate of the women were very articulate indeed in condemning teen-age marriages following pregnancy. On this subject they displayed stronger feeling than on any other topic. Here they touched (in very different language) on the question raised so often in current literature: "shall we (i.e. society) make the pill available to all girls and women regardless of age and marital status?".

I believe that these young women would agree with what some of the social scientists are saying: that technological advances, including oral contraceptives, should be regarded as new opportunities for redefining values and repatterning behaviour with greater attention to honesty and personal integrity. I think the women would add "and for avoiding hellish marriages and unwanted children".

My own strongest reaction was one of concern for the children in the families. In spite of the fact that in these particular families the mothers are probably at least average in resourcefulness and in sense of responsibility, one could not overlook the picture of children who lack a father in the home while the mother is resentful about the amount of responsibility she is assuming, alone, for child rearing. It may be questioned whether any of these mothers escaped this sense of resentment although of course it varied in intensity. The feelings of the children about parents and about adults must be affected.

The women were obviously resentful and worried about the lack of what we would call community support, aimed at supplementing what the parents are able to do by way of guidance of their children. The welfare field and the education field may believe that tremendous efforts are being directed to the provision of community services for children and youth. But according to the perceptions of almost all of these mothers, such services, even in large cities, are simply not available in the right places at the right time. We might question whether the Canadian public accepts the idea that the community has a

genuine responsibility to supplement parental care, not only for abandoned, battered or delinquent children, but for all children. The limitations of community services for children and youth are worse, in some ways, for one-parent families than for others. Should existing organizations and institutions, including churches, consider giving priority to boys and girls in these families, as is already done for example in some day care centres?

The eagerness with which the groups responded to the invitation to meet together, is another indication that much more could be done to help women in the parent role if more opportunities were provided for their participation in groups in which they could help each other and be helped through group counselling. There would need to be provision for the care of their young children during group sessions.

In listening to the women as they discussed the legal arrangements with the fathers of the children, one was struck by the amount of trouble, anxiety and resentment that arises out of "visiting privileges". For some of the women this was the major problem in the family situation. What could be done differently? Perhaps the courts should not award visiting privileges so automatically. We know, however, how handicapped the courts already are in cases of desertion. It would be unrealistic to depend on them for competent assessment of the emotional health of families and of the best bases for father-child communications. I don't know whether visiting privileges are ever awarded with the proviso that confrontation between husband and wife be avoided for example by arranging meetings of father and child way from the home of mother and child.

Regarding family financing it may be decided to advocate some form of demigrant for families in which the sole parent is a woman and presumably where the family has been stabilized in this structure. A demigrant program would have some great advantages. It would eliminate or reduce the disparities among the provincial mothers' allowance rates - disparities that the answers to the research questionnaires will surely highlight. Secondly if a demigrant plan were identified with the Family Allowance program it would go a long way toward avoiding the stigma that attaches to welfare programs. Provincial workers have emphasized how much the women prefer the Family Benefits program to municipal public assistance. I think they certainly do. Nevertheless the women all feel strongly the stigma of welfare as probably their children do too. I think that the Family Benefits program is a comparatively progressive plan both as to administrative procedures and as to levels of maintenance, and that recipients in some other provinces are less well off. It was interesting that the amount of the Family Benefits allowance did not appear to be a crucial factor in these groups. I think that the amount would be crucial in some other provinces where the level of public assistance is itself the principal reason for poverty, the culture of poverty and its inheritance.

A great deal has been written lately about providing people with full information about their rights in social security. Although the attitudes of many of the women were not hostile to the welfare departments, it seemed that few of them felt sure about the basis of the amounts they received and consequently they were inclined to

believe that the personal likes and dislikes of officials entered into decisions.

The crucial factor - or at least one of the two or three crucial factors - was the issue of employment and training. These young women reflected the viewpoint that is so common in our society: that employment rather than social assistance is to be desired. But in how many instances would employment be a possible choice - in how many would it be a desirable choice in light of family responsibilities? Some welfare departments may know, or at least have some fairly reliable indications. One provincial worker argues (and I'd be inclined to agree) that the greatest need is for helping young women to find suitable jobs, part-time or full-time - that the emphasis on training is not very realistic or helpful - that there are jobs available if women had the benefit of counselling and placement service and day care of children. I don't think that anyone could listen to the women discussing their problems and not be convinced that a good job would do more than anything else for their self-respect and their attitudes towards other people. But they were weighing employment against welfare, which for them carried a stigma. They were not weighing employment against some form of social security to which they, and their community, would feel they had a right.



Study Of Family Desertion Project No. 566

C O N F I D E N T I A L

Canadian Welfare Council

Schedule for Analysis, Department of Public Welfare, Ottawa



PART I - MARITAL HISTORY

1. Age at Marriage

Husband \_\_\_\_\_

Wife \_\_\_\_\_

2. Length of Marriage before spouse deserted (first time)

less than 1 year \_\_\_\_\_

1 - 5 years \_\_\_\_\_

6 - 10 years \_\_\_\_\_

11- 15 years \_\_\_\_\_

16- 20 years \_\_\_\_\_

21- 25 years \_\_\_\_\_

26 and over \_\_\_\_\_

3. Note the number of desertions recorded (and durations)

Duration (Months)

(1)

(2)

(3)

(4)

(5)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Number of children in deserted family by sex and age.

Male	Female	Age
(1)		
(2)		

(also with) I suggest adding another option to drop all  
existing tables and

category P = A

category Q = A

category C1 = A

category C2 = A

category M = A

category P = A and category Q = A and category C1 = A and

category C2 = A and category M = A

Male	Female	Age
(3)		
(4)		
(5)		
(6)		

5. What were the major difficulties in the home which may have contributed to desertion? (list)

(1)  
(2)  
(3)  
(4)  
(5)

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. How many changes of addresses were recorded?

Number

Intra-City -	_____
Intra-Province -	_____
Inter-Province -	_____
Outside Canada -	_____

PART II - PERSONAL DATA

7. Age:

Husband | Wife

Under 15

15 - 19

and the effect of different concentrations of the ligand on the rate of reduction of

(5)

(6)

(7)

(8)

is shown in figure 1. It can be regarded that the

rate of reduction of

is proportional to

the concentration of

(9)

(10)

	<u>Husband</u>	<u>Wife</u>
20 - 24		
24 - 34		
35 - 44		
45 - 54		
55 - 59		
60 - 64		
65 +		

8. Country of Birth	<u>Husband</u>	<u>Wife</u>
Canada (Province )		
United States		
Other (specify: )		

9. Highest School Grade Attained

Husband \_\_\_\_\_

Wife \_\_\_\_\_

PART III - LOCATION/MAINTENANCE

10. Has the deserting husband been located (present desertion)?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

If Yes, specify whether in

A. Ottawa \_\_\_\_\_

B. Ontario \_\_\_\_\_

C. Other Province  
( ) \_\_\_\_\_

D. United States \_\_\_\_\_

E. Other  
( ) \_\_\_\_\_



10. Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COURT PROCEDURES

11. A. Has wife laid a charge of non-support against husband?

Yes \_\_\_\_\_  
No \_\_\_\_\_  
NA/DK \_\_\_\_\_

B. Was charge withdrawn?

Yes \_\_\_\_\_  
No \_\_\_\_\_

C. Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Has there been a hearing?

Yes \_\_\_\_\_  
No \_\_\_\_\_  
NA/DK \_\_\_\_\_

13. Was husband present in court?

Yes \_\_\_\_\_  
No \_\_\_\_\_  
NA/DK \_\_\_\_\_

14. (a) What did the court decide (do)?

A. dismissed case \_\_\_\_\_  
B. offered services  
(reconciliation) \_\_\_\_\_



C. made referral to  
other agency \_\_\_\_\_

specify \_\_\_\_\_  
\_\_\_\_\_

D. agreement to separate \_\_\_\_\_

E. ordered husband to make  
payments \_\_\_\_\_

F. other (specify) \_\_\_\_\_  
\_\_\_\_\_

(b) If (E), did it order these payments to be made to

A. Wife \_\_\_\_\_

B. Court \_\_\_\_\_

C. Public Welfare Department \_\_\_\_\_

D. Other (specify) \_\_\_\_\_

15. What was the amount ordered?

Weekly \$ \_\_\_\_\_

Monthly \$ \_\_\_\_\_

16. (a) Did the court make variation(s) in the order?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

(b) If yes, explain (specify if more than one variation)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



17. (a) How many payments should the wife have received?

Number

Monthly - \_\_\_\_\_

Weekly - \_\_\_\_\_

(b) How many were actually received?

Number

Monthly - \_\_\_\_\_

Weekly - \_\_\_\_\_

(c) Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Has a show cause summons been made?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

If yes, how many times? Number \_\_\_\_\_

19. What was the result?

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PART IV - DATA (HUSBAND)

20. What is his job (specify)

\_\_\_\_\_  
\_\_\_\_\_

20. Is he working full-time \_\_\_\_\_

part-time \_\_\_\_\_



22. How much does he earn?

Monthly \$ \_\_\_\_\_

Yearly \$ \_\_\_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_

23. Has he entered into another (common law) union?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

24. If yes, are there children?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

How many? Number \_\_\_\_\_

25. Is his income adequate to support his family (ies) responsibilities?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_

#### PART V - FAMILY RESOURCES

26. Describe employment history of wife. Note whether she was working at time of desertion and now. Specify type of job, indicate whether full or part-time and salary.



	Employed		Full-Time or <u>Part-Time</u>	Type _____	Salary _____
	<u>Yes</u>	<u>No</u>			
A. Desertion					
B. Now					

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27. Has wife had training or education since desertion? If so, specify nature and qualifications.
- \_\_\_\_\_  
\_\_\_\_\_

28. Comment on child care arrangements (if applicable).
- \_\_\_\_\_  
\_\_\_\_\_

SOURCES OF INCOME

(MONTH: )

29. How much did wife receive?

A. from her husband \$ \_\_\_\_\_

(1) voluntary \$ \_\_\_\_\_

(2) court order \$ \_\_\_\_\_

B. from public assistance \$ \_\_\_\_\_

(1) province \$ \_\_\_\_\_

(2) municipal \$ \_\_\_\_\_

C. wife's employment \$ \_\_\_\_\_

D. Other Sources \$ \_\_\_\_\_



(Specify)

---

---

---

Total: \_\_\_\_\_

30. Does family have any savings?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

If yes what amount \$\_\_\_\_\_

31. Does family have any assets?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_ Amount \$\_\_\_\_\_

Specify \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

32. Comment on expenditures of the deserted family?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

33. Record any information related to debts and liabilities. Note if these are personal or family

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



HOUSING

34. (a) Description of dwelling unit.

single family house (detached) \_\_\_\_\_  
duplex \_\_\_\_\_  
row \_\_\_\_\_  
apartment \_\_\_\_\_  
rooming house \_\_\_\_\_  
public housing project \_\_\_\_\_  
other (specify) \_\_\_\_\_

(b) Number of rooms? (all separate rooms used with the exception of the bathroom(s).      Number \_\_\_\_\_

(c) Amount Monthly Rental      \$ \_\_\_\_\_

(d) Number of persons living in household:

Adults \_\_\_\_\_  
Children \_\_\_\_\_  
Total      Number \_\_\_\_\_

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. What are the major problems (recorded) since husband deserted?

legal \_\_\_\_\_  
health \_\_\_\_\_  
financial \_\_\_\_\_  
budgeting \_\_\_\_\_  
child care \_\_\_\_\_  
(specify) \_\_\_\_\_



(other(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. What is family's adjustment?

Good \_\_\_\_\_  
Fair \_\_\_\_\_  
Poor \_\_\_\_\_  
NA/DK \_\_\_\_\_

Explain (describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

37. What is wife's attitude to help she is getting from -

	<u>Positive</u>	<u>Negative</u>	<u>DK</u>
A. Public Welfare Department			
B. Other Agencies			

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



38. What does family need in order to solve its problems?

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

39. How many agencies are actively involved in assisting the family? Specify which agencies and record the nature of help?

<u>Agency</u>	<u>Nature of Help</u>
---------------	-----------------------

- (1)
- (2)
- (3)
- (4)
- (5)

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

40. Was Public Welfare Department the first agency to which the deserted wife came for help (sought assistance following first desertion).

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

If no, what was the agency (or professional)?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

41. Record any additional relevant information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Family Desertion Project No. 566, June 1968

C O N F I D E N T I A L

Canadian Welfare Council

Departments of Public Welfare Questionnaire

---

Name of Department \_\_\_\_\_

Address \_\_\_\_\_ street \_\_\_\_\_ city \_\_\_\_\_ province \_\_\_\_\_

Job Title of Respondent \_\_\_\_\_

Date      1968  
month      day      year

NB: For the convenience of respondents, the definition of terms used in this study precedes the questionnaire items.

The study is concerned with data for 1967, unless otherwise indicated.



Year: Specify whether A. calendar \_\_\_\_\_

B. fiscal \_\_\_\_\_

1. (a) Does your department provide assistance to deserted families?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

(b) If no, why? \_\_\_\_\_

---

2. What other services, if any, do you provide to these families?

A. Casework \_\_\_\_\_

B. Legal Assistance \_\_\_\_\_

C. Rehabilitation \_\_\_\_\_

D. Information \_\_\_\_\_

E. Other (specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

3. (a) How many cases were in receipt of assistance from your department during

1966 \_\_\_\_\_ 1967 \_\_\_\_\_

(b) How many of these received assistance because of family desertion?

1966 \_\_\_\_\_ 1967 \_\_\_\_\_

4. What was the total amount of assistance spent by your department during 1966 and 1967 on -

A. all categories 1966 \_\_\_\_\_ 1967 \_\_\_\_\_

B. deserted families 1966 \_\_\_\_\_ 1967 \_\_\_\_\_



5. (a) Have any changes in policy (eg. to accept deserted families for assistance, to amend directives to staff manuals etc.) been made by your department to assist the deserted family during the last -

Yes      No      D.K.

5 years      \_\_\_\_\_

1 year      \_\_\_\_\_

- (b) If yes, what change(s) have occurred during the last year?
- 
- 

6. Does your department have a manual of procedure covering cases of desertion?

Yes      \_\_\_\_\_

No      \_\_\_\_\_

NA/DK      \_\_\_\_\_

Comment: \_\_\_\_\_

---

---

7. What was the number of deserted families who received assistance in which there was

Number

One child      \_\_\_\_\_

2 children      \_\_\_\_\_

3 children      \_\_\_\_\_

4 children      \_\_\_\_\_

5 children  
or more      \_\_\_\_\_

Total      \_\_\_\_\_



APPLICATION AND ELIGIBILITY

8. (a) Are there residence requirements in your province before assistance can be granted to deserted wives?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

(b) If yes, how long is the requirement?

less than one month \_\_\_\_\_

one to six months \_\_\_\_\_

seven to twelve months \_\_\_\_\_

twelve to twenty-four months \_\_\_\_\_

more than twenty-four \_\_\_\_\_

(specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

9. (a) In dealing with cases of desertion is it required that a specific length of time elapse between application and provision of assistance?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

(b) If yes, how long a period?

less than one month \_\_\_\_\_

one to six months \_\_\_\_\_

seven to twelve months \_\_\_\_\_

twelve to twenty-four months \_\_\_\_\_

twenty-four months or over \_\_\_\_\_

(c) If yes, does this apply to provision on

A. an emergency basis \_\_\_\_\_

B. continuing basis \_\_\_\_\_

Explain: \_\_\_\_\_



10. Does your department require a charge of non-support to be laid as proof of desertion?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11.a) Is any other proof of desertion required?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

(b) If yes, check appropriate box(es)

A. Statutory declaration \_\_\_\_\_

B. Personal stipulation \_\_\_\_\_

C. Other(s) \_\_\_\_\_

Specify: \_\_\_\_\_  
\_\_\_\_\_

12. Do you agree that the deserted wife should be responsible to lay a charge against her spouse as a condition to receive public assistance?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

13.a) Does your department assist deserted wives to initiate action for support from the deserting husband?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_



13. (b) If yes, how? \_\_\_\_\_  
\_\_\_\_\_

14. If a maintenance order is in effect at the time of application for assistance, what does your department see as its responsibility?

Comment: \_\_\_\_\_  
\_\_\_\_\_

#### MAINTENANCE ORDERS

15. In how many cases of desertion was a charge laid?

Number \_\_\_\_\_

Of these, how many were laid under -

A. Maintenance Act \_\_\_\_\_

B. Criminal Code \_\_\_\_\_

16. In how many cases was an order made in court?

Number \_\_\_\_\_

Of these, what was the total amount ordered by the court?

Amount \$ \_\_\_\_\_

17. (a) Were any cases known to your department reported during 1967 in which deserted wives refused to charge their spouses with non-support under the maintenance act?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_

(b) If yes, how many?

Number \_\_\_\_\_

(c) Of these, how many were refused assistance?

Number \_\_\_\_\_



18. (a) Should the public welfare departments, rather than the deserted wife, assume a responsibility to lay a charge of non-support against deserting spouses when application is made for public assistance?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) If yes, to what extent? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. What other agencies, if any, should assume a responsibility to lay a charge?

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. Does the department provide financial assistance during periods when payments under Court Order are delayed or defaulted?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

21. Should the onus of collecting support be removed from the deserted wife?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

A. Under all circumstances \_\_\_\_\_

B. Under some circumstances \_\_\_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



22. (a) Is the full face value of a maintenance order, or the amount actually received, considered as income in determining the amount of public assistance payable to a deserted family?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (b) Does your department supplement orders when they are paid by the deserting husband but do not meet total family needs?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. If payments under court order in favour of a deserted person are defaulted, can legal action be taken to transfer payments under the order from the plaintiff to the Welfare Department?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 24.a) Does your department assist deserted women in collecting maintenance orders?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

(b) If yes, how? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



(b) If yes, specify: \_\_\_\_\_

---

29. (a) Is any security taken from the deserted wife (applicant) to ensure eventual repayment of assistance grants?

Yes \_\_\_\_\_

No \_\_\_\_\_

DK \_\_\_\_\_

(b) If yes, specify (e.g. insurance policy in case of death).

---

---

#### INVESTIGATION

30. (a) Do you have a special investigation unit to deal with cases of family desertion?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

(b) If yes, what are the responsibilities of this unit?

List  
1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

31. (a) In your opinion, should welfare services be available to the deserted family to locate the deserting spouse for purposes other than a charge of non-support (e.g. reconciliation)?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_



31. (b) If yes, what should be the purpose and responsibilities of such a service?

Comment: \_\_\_\_\_

\_\_\_\_\_

(c) Who should provide such a service? \_\_\_\_\_

\_\_\_\_\_

32. In your view, what responsibilities should the deserted wife assume in locating her deserting husband?

Comment: \_\_\_\_\_

\_\_\_\_\_

#### RELATIONSHIP WITH OTHER AGENCIES

33. How would you describe your department's relationship with the court? Note whether your informal working arrangements are primarily positive or negative (under what circumstances)?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

34. Does your department have any formal (written) agreement with the Court for service in cases of family desertion?

\_\_\_\_\_

\_\_\_\_\_

35. In your view, is there anything which might be changed or done to make these arrangements more effective?

\_\_\_\_\_

\_\_\_\_\_

36. (a) Do you have arrangements to provide legal assistance for -

Yes      No      NA/DK

A. Deserted wife      \_\_\_\_\_

B. Deserting husband      \_\_\_\_\_



36. (b) If yes, what are they?

---

---

MISCELLANEOUS

37. (a) In your view, are there special problems involved in assisting deserting families?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

(b) If yes, comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

38. What do you see as possible solutions to the problem of adequately assisting deserted families?

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---

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39. Has your department published or completed any studies on family desertion in the past 7 years (since 1961)? If so, please list and specify the nature of the studies, attach copies of studies if possible. If out of print, where could one be obtained?

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_



ELIGIBILITY

(Municipal Departments only)

40.a) Does your department have the power to lay a charge of non-support  
on behalf of -

Yes      No      NA/DK

- A. Deserted wife \_\_\_\_\_  
B. The Municipal Welfare Department \_\_\_\_\_  
C. Jointly (A&B) \_\_\_\_\_

(b) If yes, in how many cases has this been done?

- A. \_\_\_\_\_  
B. \_\_\_\_\_  
C. \_\_\_\_\_

Comment: \_\_\_\_\_

\_\_\_\_\_



FAMILY DESERTION PROJECT - #566

C O N F I D E N T I A L

Canadian Welfare Council

QUESTIONNAIRE FOR COURTS

Judicial or other District Served: \_\_\_\_\_

Name of Court: \_\_\_\_\_

City: \_\_\_\_\_

Address: \_\_\_\_\_

Province: \_\_\_\_\_

Type of Court: \_\_\_\_\_

Job Title of Respondent: \_\_\_\_\_

Date:            1968  
      Month      Day      Year

N.B.--For the convenience of respondents, the definition of terms used in this study precedes the questionnaire items.

-The study is concerned with data for 1967, unless otherwise specified.



## PART I - FACTUAL

Does your court have a manual of procedures (other than statutes) for dealing with cases of family desertion?

Yes \_\_\_\_\_

No \_\_\_\_\_

DK \_\_\_\_\_

Comment: \_\_\_\_\_

How many complaints were laid during 1967 under the deserted wives (and children's) Maintenance Act?

Number \_\_\_\_\_

What was the disposition of cases during 1967?

<u>Disposition</u>	<u>Number</u>
Court Order	_____
Agreement	_____
Adjourned	_____
Dismissed	_____
Withdrawn	_____
Other: (specify)	_____

In how many cases did the court order maintain payments to be made to

### OF CASES

- A. Deserter wife \_\_\_\_\_
- B. Public Welfare Dept. \_\_\_\_\_
  - 1. Provincial \_\_\_\_\_
  - 2. Municipal \_\_\_\_\_
- C. Court \_\_\_\_\_
- D. Relatives \_\_\_\_\_
- E. Other (specify:) \_\_\_\_\_

Comment: \_\_\_\_\_



5. How many cases involving deserted families were heard by the court?

Number

- A. During 1967 \_\_\_\_\_
- B. During 1966 \_\_\_\_\_
- C. During 1965 \_\_\_\_\_

6. How many show cause summonses were made during 1967?

Number \_\_\_\_\_

MAINTENANCE ORDERS

7. Of those cases in which original maintenance orders were made, how many husbands appeared in court?

Number \_\_\_\_\_

8.a) Has the court ever ordered money to be paid directly to a welfare department on behalf of the deserted wife?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

b) If yes, under what circumstances? Indicate whether this was provincial and/or municipal department(s).

\_\_\_\_\_

\_\_\_\_\_

c) Under what circumstances does your court reimburse the Public Welfare Department out of money paid under Court Order?

Explain: \_\_\_\_\_

\_\_\_\_\_

9.a) Is it possible, under the present arrangements to have a husband make voluntary payments (assignments) from salary in favour of the deserted wife through your court?

Yes \_\_\_\_\_

No \_\_\_\_\_

DK \_\_\_\_\_

Comment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b) If yes, what was the total amount paid to the court during 1967 under voluntary arrangements?



9. cont'd

Amount \$ \_\_\_\_\_

c) How many cases were involved?

Number \_\_\_\_\_

10. What is the maximum amount through an agreement paid by the husband which is enforceable by the court?

Weekly                  Monthly

A. Mother \_\_\_\_\_

B. Children \_\_\_\_\_

11.a) Is the wife's income or capacity for employment considered as a factor in determining maintenance orders?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Comment: \_\_\_\_\_

b) In making an order does your court take into account the existence of second union e.g. a common-law union of the deserting husband?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

Explain: \_\_\_\_\_

c) What other factors might be taken into account by the court in determining amount of profit?

---

PROVISIONAL ARRANGEMENTS -- Will regard to deserted wives and families.

12. What was the total amount of payments ordered by the court (1967)

Number \_\_\_\_\_

13. What was the total amount collected by the Court? (1967)

Number \_\_\_\_\_



14.a) How many provisional orders were made by your Court during 1967?

Number \_\_\_\_\_

b) Of these how many were sent

Intra-Province                          Number \_\_\_\_\_

To another Province                          \_\_\_\_\_

To another Country                          \_\_\_\_\_

c) How many of these were confirmed

Number \_\_\_\_\_

15.a) How many confirmations (of provisional orders) were requested of your Court?

Number \_\_\_\_\_

b) Of these, how many originated

Intra-Province                          Number \_\_\_\_\_

In another Province                          \_\_\_\_\_

In another Country                          \_\_\_\_\_

c) Of these, how many were confirmed?

Number \_\_\_\_\_

16.a) Has your Court made variations in any of the original maintenance orders?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

b) If yes, in how many cases?

Total \_\_\_\_\_

c) Explain the procedure used to vary orders in your Court?

\_\_\_\_\_

\_\_\_\_\_



LOCATION AND ENFORCEMENT

17.a) Where should the onus be in taking steps for the enforcement of maintenance orders?

A. Deserted Wife \_\_\_\_\_

B. Court \_\_\_\_\_

C. Other (specify) \_\_\_\_\_

b) Why? \_\_\_\_\_

18.a) What efforts does your court make to enforce maintenance orders?

Comment: \_\_\_\_\_

b) What results have you seen in the enforcement efforts?

Very satisfactory \_\_\_\_\_

Satisfactory \_\_\_\_\_

Dissatisfactory \_\_\_\_\_

DK \_\_\_\_\_

Comment: \_\_\_\_\_

19.a) Do you have enforcement officers attached to your court?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

b) If yes, in what capacity (e.g. sheriff)

\_\_\_\_\_

20.a) How many deserting husbands were committed to jail during 1967?

Total \_\_\_\_\_

b) Of these, how many were actually sent to jail?

Total \_\_\_\_\_



20. cont'd

c) Of those sent to jail how many were jailed

Number

1. for first time \_\_\_\_\_  
2. for second time \_\_\_\_\_  
3. for third and over \_\_\_\_\_

SERVICES

21.a) Does the court make any arrangements for reconciliation of deserted wives and spouse?

Yes \_\_\_\_\_

No \_\_\_\_\_

DK \_\_\_\_\_

b) If yes, what arrangements?

---

22. What agencies in the community with competence in family counselling are available to the courts for referral?

---

23. Does the court have any formal (written) co-operative arrangements with any of these agencies for service to the deserted family?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

RESOURCES OF COURT

24. List total personnel of the Court: indicate whether full, part time or (if necessary specify if payment is made on contract basis, fee for service etc.) note their training, duties and volume of work (during 1967).



24. cont'd

onnel

of f	Staff Title	Full or Part Time	Training	Duties	Work Load
es					
llary obation					
ical					
ical					
l f					



PART II - ATTITUDINAL

25.a) In your opinion, are the resources of your court

Satisfactory \_\_\_\_\_  
Not Satisfactory \_\_\_\_\_  
DK \_\_\_\_\_

b) Why? \_\_\_\_\_

c) If not satisfactory, what do you need in order to fulfill your functions?  
\_\_\_\_\_

26.a) In your judgment should the court(s) refuse to proceed with a hearing on charge(s) of non-support if

- the husband is not present at the hearing
- if neither husband nor wife is represented by counsel
- if only one party is represented by counsel

Yes	No	NA/DK

b) Would you add other reasons?

Specify and comment: \_\_\_\_\_

27.a) Should the wife be entitled to arrears under a maintenance order?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

b) If yes, how far back should the arrears be enforced?  
\_\_\_\_\_

28.a) Should the court be involved in matters of family reconciliation?

Yes \_\_\_\_\_

No \_\_\_\_\_

DK \_\_\_\_\_

b) In what manner? \_\_\_\_\_

29. Describe your court's informal working arrangements with social agencies in the community. Note whether these are positive or negative, under what circumstances?



Agency	Positive	Quality of Service		Comment
		Negative	NA/DK	
Dept. of Public Welfare (Prov.)				
Children's Aid Society				
Municipal Welfare Dept.				
Family Service Association				
Legal Aid				
Other (Specify)				

30. What might be done to enhance the effectiveness of these arrangements ?

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31. What is your assessment of the effectiveness of the present procedures for legal aid? State how they may be improved in relation to family desertion?

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32. What does your court perceive to be the major difficulties in dealing with the problem of family desertion?

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33.a) Do you feel that deserted families are getting the help they need?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

b) Why or why not?

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c) If no, what are the major obstacles they face in obtaining this help?

Comment: \_\_\_\_\_

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34.a) Will recent changes in the divorce law widening the grounds affect the rate of desertion?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

b) If yes, how? \_\_\_\_\_

35.a) Should family courts have any role to play in divorce proceedings?

Yes \_\_\_\_\_

No \_\_\_\_\_

NA/DK \_\_\_\_\_

b) If yes, what should be their responsibility?

\_\_\_\_\_

\_\_\_\_\_









